

vided for, prepare a tabulated statement of the votes cast in his county for each candidate for each nomination for a State, District, County, or Precinct office, and of that cast for county chairman, as shown by the canvass made by the county executive committee, and shall immediately mail such statement as to a State or district office, in a sealed envelope by registered letter, to the chairman of the State executive committee, who shall present the same to the State Executive Committee at its next meeting to be held after the receipt of said statement. As to candidates for Governor, or for an office to be filled by all the voters of the State, or of any district composed of more than one county, the chairman of the county executive committee and its secretary shall certify the number of votes cast for each of such candidates and cause the same to be published in some newspaper of the county, if there be one.

Sec. 6. That Article 3167 of the Revised Civil Statutes of Texas, 1925, be and the same is hereby amended so as to hereafter read as follows:

Article 3167. The State convention held by political parties which are required by law to nominate candidates by primary election, held on the fourth Tuesday in May, 1932, and each four years thereafter, shall elect the delegates from this State to the national convention of the party, to be held in such year, by majority vote of the delegates present and voting in such convention and shall also elect, by such majority vote, the representatives of the party on the national committee of such party, and shall also, by such majority vote, nominate the candidates of the party for presidential electors to be voted upon at the ensuing general election. The Chairman and Secretary of the State Convention shall immediately certify the nominations made by such conventions for presidential elector to the Secretary of State, who shall certify the same to the county clerks of the various counties in the State. If any vacancy shall occur, by death, resignation, or otherwise, in any nomination so made for presidential elector, the same may be filled by the State Executive Committee of the

party, at a general or special meeting thereof and such nominations to fill vacancies shall be certified to the Secretary of State by the Chairman and Secretary of such Executive Committee.

Sec. 7. That Articles 3135, 3138, and 3141 of Chapter 13 of Title 50 of the Revised Civil Statutes of Texas of 1925 be and the same are hereby repealed.

Sec. 8. The near approach of the end of the Session and the crowded condition of the calendar create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

FORTY-FIRST DAY.

Senate Chamber.

Austin, Texas,

Wednesday, March 6, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Prayer by Mrs. Frank Morris.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Hyer:

S. J. R. No. 26 Proposing an amendment to Article 14 of the Constitution of Texas by adding thereto Section 4a, providing that the Legislature shall have the power to validate surveys of public lands which have been made contrary to any statute, and to ratify any patents that may have been issued thereto. Providing for an election upon such constitutional amendment, and making an appropriation therefor.

The resolution was read and referred to Committee on Constitutional Amendments.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 251.

S. B. No. 498

Motion to Print.

Senator McFarlane moved to print a letter from Mr. Monzingo in the Journal.

Senator Holbrook moved to table the motion. The motion to table was lost by the following vote:

Yeas—7.

Holbrook.	Witt.
Stevenson.	Woodul.
Thomason.	Woodward.
Wirtz.	

Nays—17.

Berkeley.	Martin.
Cousins.	McFarlane.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Hornsby.	Small.
Hyer.	Williamson.
Love.	

Absent.

Beck.	Moore.
Cunningham.	Russek.
Miller.	Westbrook.

Absent—Excused.

Neal.

The motion to print prevailed.

(See Appendix.)

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Cousins:

S. B. No. 341, A bill to be entitled "An Act to authorize H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain and operate a bridge across Lake Sabine at or near Port Arthur, Texas."

With amendments.

By Senator Greer.

S. B. No. 414, A bill to be entitled "An Act creating a more efficient road system for Freestone County, Texas; providing that the County Commissioners shall be Road Commissioners of their respective precincts; providing that such Commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the Commissioners' Court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the Commissioners' Court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts, to be paid for partly by the county and partly by the State or Federal Government; authorizing the Commissioners' Court of Freestone County to issue bonds of said county for the purpose of funding or refunding indebtedness in the sum of \$53,431.59 incurred prior to January 1, 1921, and being balance of principal unpaid on those certain five issues of funding warrants issued by Commissioners' Court of Freestone County, Texas against road and bridge fund of said county, for road and bridge purposes, and to levy a tax in payment thereof; and providing that if the validity of the indebtedness to

be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the Commissioners' Court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; providing that this Act shall be cumulative of all other special road laws for Freestone County; and declaring an emergency."

With amendments.

By Mr. Thompson:

H. B. No. 415, A bill to be entitled "An Act to amend Article 4180 of the Revised Civil Statutes of the State of Texas, 1925, Acts 1913, Thirty-third Legislature, Chapter 151, page 321, paragraph 1, relating to the investment of surplus funds of ward in the hands of guardian, or loan same, designating certain investments that may be made."

With engrossed rider.

By Mr. Bond:

H. B. No. 598, A bill to be entitled "An Act making it unlawful for any person or persons to go on the premises or plantation of any citizen of the State of Texas in the night time or between sunset and sunrise and move, or assist in moving, any laborer or tenant or the effects or property of any laborer or tenant therefrom, without consent of the owner or proprietor thereof, other than in the discharge of a civil or military order."

By Mr. Hines:

H. B. No. 540, A bill to be entitled "An Act providing that any person who may be convicted of a misdemeanor, or petty offense, and who shall be committed to jail in default of the payment of the fine and costs may be worked upon the public roads, or upon the county farms of the county in which such conviction is had, or be hired out to any individual, company, or corporation in such county."

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 6, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 40, A resolution "Providing for the recalling of H. B.

No. 556 from the Governor's Office for the further consideration of the Senate."

LOUISE SNOW PHINNEY,

Chief Clerk of the House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee on S. B. No. 476 by a vote of 106 yeas and 0 nays Two present.

The House has adopted the report of the Free Conference Committee on S. B. No. 286 by a vote of 102 yeas and 0 nays.

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 41, A resolution "Providing for the recalling of S. B. No. 270 from the Governor's office for the further consideration of the Senate."

LOUISE SNOW PHINNEY,

Chief Clerk of the House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill notwithstanding the Governor's objections, by a vote of 112 yeas and 18 nays:

S. B. No. 150, A bill to be entitled "An Act to confirm and validate all patents and awards issued on lands lying across or partly across or abutting on water courses or navigable streams or the beds or abandoned beds thereof, or parts thereof, and to relinquish, quitclaim and grant to patentees and awardees and their assignees all of such lands, and minerals therein contained, across or abutting on water courses or navigable streams and also the beds or abandoned beds thereof, and miner-

als therein contained, where such patents or awards have been issued and outstanding for a period of five years from the date thereof and have not been cancelled or forfeited, without impairing the rights of the general public, the state, riparian owners or appropriation owners in the waters of such streams, and providing that with respect to land sold by the State of Texas expressly reserving title to minerals in the State, such reservation shall not be affected by this Act and that the patentees or awardees and their assignees shall have the same rights, title and interest in the minerals in the beds or abandoned beds of such water courses or navigable streams that they have in the uplands covered by the same patents and declaring an emergency."

LOUISE SNOW PHINNEY,

Chief Clerk of the House of Representatives.

Simple Resolution No. 89.

Senator Holbrook sent up the following resolution:

Whereas Hon. W. S. Barron, the able and efficient Speaker of the House, fell suddenly ill last evening and was compelled to submit to a surgical operation, thus preventing him from performing his duties as Speaker during the remainder of this session of the Legislature.

Therefore be it resolved that the Secretary of the Senate in behalf of this body, extend to Mr. Barron our sincere sympathy in this hour of his affliction with our wish for his speedy recovery.

Read and unanimously adopted by a rising vote.

Simple Resolution No. 90.

Senator Cousins sent up the following resolution:

By Cousins, Thomason, Woodul, Parrish, Patton, Hardin, Holbrook, Wirtz, Stevenson, Martin, Beck, Pollard, Westbrook, Russek, DeBerry, Cunningham, Witt, Miller, Gainer, Parr, McFarlane, Berkeley, Hyer, Williamson, Woodward, Greer, Hornsby, and Small.

Whereas, the State of Texas has the greatest coast line of any State in the Union, and contains some of the greatest ports of the Nation—having handled approximately forty-million (40,000,000) tons of

freight through her ports during the year 1928; and,

Whereas, the State is yet in her infancy, in the development of her ports and shipping, and is vitally interested in the further development of her ports; and,

Whereas, The United States Shipping Board is organized for the purpose of developing our shipping interests and building up an American Merchant Marine; and

Whereas, Texas has never been represented on the Shipping Board, and Texas with Louisiana, Mississippi and Alabama compose the Gulf District; and,

Whereas, there will be a vacancy on said Board on June 1st, 1929; and the Hon. W. E. Lea, a resident of the city of Orange, in the Sabine District, is qualified to represent this district as a member of the Shipping Board.

Be It Resolved by the Senate of Texas, in session assembled, that the Hon. Herbert Hoover, President of these United States, be respectfully requested to consider the right of Texas to be represented on the United States Shipping Board, by a citizen of Texas; and,

Be It Further Resolved, that the members of the Senate of Texas heartily endorse the Hon. W. E. Lea, of the Sabine District, for this appointment, and respectfully urge the President of these United States appoint the said Hon. W. E. Lea, as a member of said Shipping Board.

Read and adopted.

Senator Love asked to be recorded as voting "No."

House Bills Referred.

H. B. No. 598 referred to Criminal Jurisprudence.

H. B. No. 540 referred to Criminal Jurisprudence.

H. B. No. 415 referred to Banks and Banking.

S. C. R. No. 32.

Senator McFarlane called up from the table S. C. R. No. 32, providing for adjournment sine die on March 8.

Senator Witt moved that S. C. R. No. 33b, providing for sine die adjournment on March 16, be substituted for S. C. R. No. 32.

Senator Wirtz sent up the following amendment to the pending substitute:

Amendment No. 1.

Amend the pending resolution by striking out Saturday March 16th, and insert in lieu thereof Wednesday March 13th.

The amendment was read.

Senator Witt moved to table the amendment. The motion was lost by the following vote:

Yeas—12.

Beck.	Moore.
Berkeley.	Parrish.
Greer.	Westbrook.
Hardin.	Williamson.
Hornsby.	Witt.
Love.	Woodul.

Nays—17.

Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hyer.	Thomason.
Martin.	Wirtz.
McFarlane.	Woodward.
Parr.	

Absent.

Miller.

Absent—Excused.

Neal.

Senator Witt sent up the following amendment to the amendment:

Amend the amendment by substituting the words "Thursday the 14th" for the words "Wednesday the 13th."

WITT.

Senator Pollard sent up the following substitute for the pending amendment and the pending amendment to the amendment:

Amend S. C. R. No. 32 by striking out the date Saturday March 16, and insert in lieu thereof Saturday March 9.

POLLARD.

The substitute was read.

Senator Holbrook moved the previous question on the pending amendments and the resolution. The previous question was ordered.

Senator Pollard's substitute was lost by the following vote:

Yeas—12.

Cousins.	Greer.
Cunningham.	Martin.
DeBerry.	McFarlane.
Gainer.	Parr.

Pollard.
Russek.

Stevenson.
Wirtz.

Nays—16.

Beck.	Parrish.
Berkeley.	Patton.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Moore.	Woodward.

Absent.

Miller.

Small.

Absent—Excused.

Neal.

Senator Witt's amendment to the amendment was adopted by the following vote:

Yeas—17.

Beck.	Parrish.
Berkeley.	Patton.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
Moore.	

Nays—11.

Cousins.	Parr.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Stevenson.
Martin.	Wirtz.
McFarlane.	

Absent.

Miller.

Small.

Absent—Excused.

Neal.

The amendment as amended was adopted by the following vote:

Yeas—19.

Beck.	Patton.
Berkeley.	Small.
DeBerry.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Moore.	Woodward.
Parrish.	

Nays—10.

Cousins.	McFarlane.
Cunningham.	Parr.
Gainer.	Pollard.
Greer.	Russek.
Martin.	Stevenson.

Absent.

Miller.

Absent—Excused

Neal.

The substitute as amended was adopted by the following vote:

Yeas—17

Beck.	Patton.
Berkeley.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Moore.	Woodward.
Parrish.	

Nays—13.

Cousins.	Miller.
Cunningham.	Parr.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Stevenson.
Martin.	Wirtz.
McFarlane.	

Absent—Excused.

Neal.

The resolution as substituted was adopted.

Senator Wirtz. moved to reconsider and spread on the Journal the vote by which the resolution was finally passed.

Senator Witt called up the motion and moved to table the motion. The motion prevailed by the following vote:

Yeas—17.

Beck.	Patton.
Berkeley.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Moore.	Woodward.
Parrish.	

Nays—13.

Cousins.	Gainer.
Cunningham.	Greer.
DeBerry.	Martin.

McFarlane.	Russek.
Miller.	Stevenson.
Parr.	Wirtz.
Pollard.	

Absent—Excused.

Neal.

By this vote, Thursday, March 14, was set as the date for sine die adjournment.

Motion to Concur.

Senator Cousins moved to concur in the House amendments to S. B. No. 341.

Senator Moore moved as a substitute that the Senate refuse to concur and ask for a Free Conference Committee.

Senator Love moved the previous question. The previous question was ordered.

The substitute motion was lost. The motion to concur prevailed by the following vote:

Yeas—23.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Nays—4.

Beck.	Moore.
DeBerry.	Westbrook.

Absent.

Hardin.	Witt.
Patton.	

Absent—Excused.

Neal.

H. C. R. No. 2.

The Chair laid before the Senate H. C. R. No. 2, memorializing Congress to build an Institute as a memorial for the women of the Confederacy.

The resolution was read and adopted.

Motion to Concur.

On motion of Senator Greer, the Senate voted to concur in the House amendments to S. B. No. 414 by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Motion to Reconsider.

Senator Miller spread upon the Journal a motion to reconsider the vote by which further consideration of S. B. No. 357 was indefinitely postponed.

House Bill No. 567.

The Chair laid before the Senate on third reading the following bill:

By Mr. Young and Mr. Turner:

H. B. No. 567, A bill to be entitled "An Act providing for the centralization of the Texas prison system; increasing the duties, powers and functions of the Texas Prison Board."

The bill was read third time.

On motion of Senator Love, the previous question was ordered.

Motion to Reconsider.

Senator Parr moved to reconsider the vote by which S. C. R. No. 36 was adopted.

The motion prevailed.

On motion of Senator Parr, the resolution was tabled.

Recess.

Senator Wirtz moved to recess until 2:00 o'clock p. m.

Senator Patton moved as a substitute to recess until 2:30 o'clock p. m. The motion was lost.

The motion to recess until 2:00 o'clock prevailed at 12:10 o'clock p. m., by the following vote:

Yeas—20.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Patton.
Hyer.	Pollard.
Martin.	Russek.
McFarlane.	Small.
Miller.	Thomason.
Moore.	Westbrook.
Parr.	Wirtz.

Nays—10.

Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Witt.
Love.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Neal.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

House Bill No. 567.

The question recurred upon the final passage of H. B. No. 567.

The bill finally passed by the following vote:

Yeas—15.

Beck.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Witt.
Love.	Woodul.
Moore.	Woodward.
Parrish.	

Nays—10

Berkeley.	McFarlane.
Cousins.	Miller.
DeBerry.	Parr.
Gainer.	Patton.
Martin.	Russek.
	Absent.

Westbrook.

Williamson.

(Pairs Recorded)

Senator Cunningham, (present,) who would no with Senator Neal, (absent) who would vote yea.

Senator Hyer (present), who would vote yea, with Senator Wirtz, (absent), who would vote no.

Announcement of Intention to Call Up Motion.

Senator Miller gave notice that he would call up the motion he spread

on the Journal this morning to reconsider the vote by which S. B. No. 357 was indefinitely postponed.

House Bill No. 364.

The chair laid before the Senate on its second reading the following bill:

By Mr. Metcalfe and Mr. Graves of Williamson:

H. B. No. 364, A bill to be entitled "An Act to amend Article 1313 of the Revised Civil Statutes of 1925, so as to eliminate unnecessary duplication and expense in the filing and preserving of charters of corporations."

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. 364 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.

Westbrook.	Witt.
Williamson.	Woodul.
Wirtz.	Woodward.

Absent—Excused.

Neal.

House Bill No. 716.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Keller, Mr. Savage, Mr. Holder and Mr. McCombs:

H. B. No. 716, A bill to be entitled "An Act regulating the salary of the sheriff or deputy sheriff waiting upon certain courts in counties of 210,000 or more population, according to the last Federal census; repealing conflicting laws."

On motion of Senator Love, the bill was laid on the table subject to call.

House Bill No. 259.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Johnson:

H. B. No. 259, A bill to be entitled "An Act to amend Article 7631 of the Revised Civil Statutes of Texas of 1925, providing for the regulating of elections to be held in water improvement districts and defining who are qualified voters in water improvement districts and authorizing the commissioners court to order the first election, create the proposed district into one or more election precincts, name the polling places, appoint officers of elections, providing for the preparation of ballots and the wording that shall be placed on such ballots, and to amend Article 7641, of said statutes, defining who shall be eligible to hold office in water improvement districts, and declaring an emergency."

Read second time.

On motion of Senator Woodward the bill was laid on the table subject to call.

House Bill No. 716.

Senator Love called up from the table H. B. No. 716.

The bill was read second time.

The committee amendment was adopted.

Senator Love sent up the following amendment:

Amend H. B. No. 716, Section 1, by

inserting after the words "allowed a reasonable sum" the words: "not exceeding one dollar per day."

LOVE.

Read and adopted.

The bill as amended passed to third reading.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 716 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed.

House Bill No. 313.

The Chair laid before the Senate on second reading the following bill:

By Mr. Sanders:

H. B. No. 313, A bill to be entitled "An Act declaring certain fur-bearing animals the property of the State of Texas, such as wild beaver, wild otter, wild fox, wild raccoon, wild badger, wild mink, wild ring-tail cat, wild pole-cat or skunk, wild opossum and wild civet cat, and protecting the same, etc., and declaring an emergency."

The bill was read second time.

Senator Witt sent up the following amendment:

Amend H. B. No. 313 by adding the word "McLennan" to section 5 and amend caption to conform.

WITT.

The amendment was read and adopted.

Senator Woodul sent up the following amendments:

Amend H. B. No. 313, page 4 by

eliminating the word "Caldwell" where same appears in line 5 thereof.

WOODUL.

The amendment was read and adopted.

Amend the Caption of H. B. No. 313, page 2, line 18, by eliminating the word "Caldwell" where same appears therein.

WOODUL.

The amendment was read and adopted.

Amend H. B. No. 313, page 4, line 10, by inserting after the word "Brown" at the end of said line the following:

"Bowie, Rusk, and Tarrant."

WOODUL.

The amendment was read and adopted.

Amend the caption of H. B. No. 313, page 2, line 23, by inserting after word "Brown" at end of said line the following:

"Bowie, Rusk, and Tarrant."

WOODUL.

The amendment was read and adopted.

Senator McFarlane sent up the following amendment:

Amend H. B. No. 313 by adding "Young County" to the caption and bill wherever necessary.

McFARLANE.

The amendment was read and adopted.

The bill as amended passed to third reading.

Senator Stevenson moved to reconsider the vote by which the bill passed to third reading. The motion prevailed.

Senator Miller sent up the following amendment:

Amend H. B. No. 313 by striking out the words "Palo Pinto and Montague" wherever they appear in the bill.

MILLER.

The amendment was read and adopted.

Senator Stevenson sent up the following amendment:

Amend H. B. No. 313 by taking out "Wilson County" wherever it occurs.

STEVENSON.

The amendment was read and adopted.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 313 by striking out of bill wherever they occur: "Ft.

Bend, Wharton, Brazoria, Matagorda, Chambers."

HOLBROOK.

The amendment was read and adopted.

Senator DeBerry moved to lay the bill on the table subject to call. The motion was lost.

Senator Cunningham sent up the following amendment:

Amend H. B. No. 313 by striking out the words "Callahan" and "Eastland and Brown" wherever they appear in the bill.

CUNNINGHAM.

The amendment was read and adopted.

The bill as amended passed to third reading.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 313 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Nays—1.

DeBerry.

Absent.

Williamson.

Absent—Excused.

Neal.

The bill was read third time and finally passed.

House Bill No. 596.

The Chair laid before the Senate on second reading the following bill:

By Mr. Duvall, Mr. Kemble, Mr. Beck and Mr. Patterson:

H. B. No. 596, A bill to be entitled "An Act providing for a civil service commission in certain counties for certain offices and providing for competitive examinations, and providing for a board of appeals, des-

ignating the members of the commission and providing for a secretary and fixing their salaries and the manner of payment thereof."

Read second time.

Senator Hyer sent up the following substitute for the bill:

By Hyer. S. S. H. B. No. 596.

A BILL

To Be Entitled

An Act providing for civil service examinations in all counties in this State having a population of not less than 150,000 or more than 175,000 according to the latest United States census; providing for civil service examinations of employees of county officers with certain exceptions; providing for a Commission for said purpose; providing for the compensation and meetings of said Commission; prescribing the duties of said Commission; prescribing how said employees shall be selected and providing a means by which they may be removed; enacting other provisions incidental to the purpose of the Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. This law shall apply to each county in this State having a population of not less than 150,000 nor more than 175,000 according to the latest United States census, and shall apply in no other counties.

Sec. 2. This Act shall be effective on and after the first day of October, A. D., 1929, and not sooner, and this Act shall be applicable to appointive employees of county officers in said counties the work of whom does not require professional training.

Sec. 3. There is hereby created a civil service commission to be appointed by the commissioners' court of the county or counties affected. One member of said commission shall be a banker, one member a lawyer, one member a merchant, one member an employee and one member a female who shall be a school or college teacher who shall be secretary of said commission and shall be entitled to a vote in all business conducted by said commission.

Sec. 4. Each member of said commission except said secretary shall receive from the county as compensation \$5.00 per day for each

day the commission is in session whether it be a regular or special session. The member who is secretary shall receive from the county as compensation \$50.00 per month.

Sec. 5. The commission shall hold four regular meetings each year, one each on the first Tuesday in January, the first Tuesday in April, the first Tuesday in July and the first Tuesday in October, and said commission may hold a special meeting any time on petition of not less than three members of the commission.

Sec. 6. Said commission shall formulate such rules and regulations for written competitive examinations of said employees as it may deem necessary, which rules and regulations shall not be in conflict with any provision of law. The secretary of said commission shall be in charge of all records of the commission and shall conduct all examinations, grade all papers and perform such other duties as may be required by said commission, provided that such duties of the secretary shall be performed under the direction of said commission. The applicant receiving the highest grade for the position examined for, shall be ranked Number 1 for the position. The next highest, Number 2, and so on, until all these examined shall have received such ranking as they may be entitled to by virtue of the grades made. The secretary of the commission shall certify the three having made the highest grades to the elective officer in whose office the position is to be filled, who shall select from the list the one he desires appointed. Applicants must have resided in said county at least one year next before filing his application. In the event there is more than one position to be filled, the secretary shall submit the two remaining on the original list, and add to said list, one more name, out of which list the officers shall choose the persons they desire appointed.

Sec. 7. All employees shall be continued in their positions without examinations if they have had as much as six months experience immediately prior to the date this law becomes effective. All positions of temporary employment shall be filled by the county officer without the necessity of taking such examination. Provided, that the term "temporary

employment" shall include only positions continuing sixty days or less. Provided, further, that in no case shall a temporary employee displace an employee regularly employed under the provisions of this Act.

Sec. 8. Promotions within the force of employees shall be on the basis of record, merit, efficiency, character, conduct and seniority, but after examinations taken by the employees under the rules and regulations as may be laid down by the commission.

Sec. 9. Employees may be removed by the commission upon the filing of a petition and a hearing as provided in this Act. In order to remove an employee a petition in writing must be filed with the commission at least ten days prior to the date of the hearing. Said petition shall be signed by the elective officer in whose department said employee is employed or by not less than fifty qualified tax paying voters of the county. Said petition may be considered only in the event it charges misconduct or inefficiency on the part of an employee or employees. Upon the filing of such a petition the commission shall make a thorough investigation and shall set the same down for a hearing. After due notice of such hearing the commission shall conduct a hearing in which the employee affected as well as those making the charges shall be given a hearing and an opportunity to introduce evidence. The commission after such investigation and hearing shall have the right to discharge the employee involved if in its judgment the charges are sustained.

Sec. 10. Provided that employees appointed in the manner herein set out shall not take part in political campaigns; provided that any employees appointed by the provisions herein provided shall be required to resign his position upon becoming a candidate for any elective office, and should he afterwards desire to re-enter the service of said county he shall be required to take examination as though he had never been in service of said county.

Sec. 11. The fact that in the counties affected there are a great number of employees who have been employed by said county for a number for years and who have become very efficient, whose services should be continued and who are subject to

discharge at the will of various elective officials; and, whereas, efficiency in these various offices requires that these various positions be filled by competent and efficient employees creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and that this Act shall take effect and be in force from and after the date hereinbefore provided, and it is so enacted.

The substitute was read.

Senator Hornsby sent up the following amendment:

Amend H. B. No. 596—provided that the provisions of this Act shall not apply to Sheriff's and their deputies or the Constables and their deputies.

Amend the Substitute.

The amendment was read and adopted.

On motion of Senator Love, the previous question was ordered.

The substitute as amended was adopted by the following vote:

Yeas—16.

Berkeley.	Parrish.
Cousins.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Hyer.	Thomason.
Love.	Williamson.
Moore.	Witt.
Parr.	Woodul.

Nays—10.

Beck.	Martin.
DeBerry.	McFarlane.
Gainer.	Miller.
Holbrook.	Wirtz.
Hornsby.	Woodward.

Absent.

Cunningham.	Russek.
Patton.	Westbrook.

Absent—Excused.

Neal.

Senator Wirtz moved to recommit the bill to the Committee.

Senator Hyer moved to table the motion. The motion to table prevailed.

The bill as substituted passed to third reading by the following vote:

Yeas—16.

Berkeley.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Hyer.	Thomason.
Love.	Williamson.
Moore.	Witt.
Parr.	Woodul.
Parrish.	Woodward.

Nays—11.

Beck.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Patton.
Holbrook.	Wirtz.
Hornsby.	

Absent.

Cousins.	Westbrook.
Russek.	

Absent—Excused.

Neal.

Senator Hyer moved that the constitutional rule requiring bills to be read on three several days be suspended and H. B. No. 596 be put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—17.

Berkeley.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Hyer.	Thomason.
Love.	Williamson.
McFarlane.	Woodul.
Moore.	Woodward.
Parr.	

Nays—8.

Beck.	Hornsby.
Cunningham.	Martin.
DeBerry.	Miller.
Gainer.	Wirtz.

Present—Not Voting.

Cousins.

Absent.

Small.

Westbrook.

Absent—Excused.

Neal.

(Pairs Recorded.)

Senator Witt (present), who would vote yea with Senator Russek (absent), who would vote nay.

(Four-fifths vote required.)

House Bill No. 72.

The Chair laid before the Senate on second reading the following bill:

By Mr. Prendergast:

H. B. No. 72, A bill to be entitled "An Act regulating the use of statement of facts on appeal from the county and district courts."

The bill was read second time and passed to third reading.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 72 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent.

Russek.	Small.
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Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Russek.

Absent—Excused.

Neal.

House Bill No. 137.

The Chair laid before the Senate on second reading the following bill:

By Mr. Adkins:

H. B. No. 137, A bill to be entitled "An Act providing for the catching of sucker fish in the streams of Gin and Glade creeks, in Upshur county, Texas."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 137 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Russek.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent.

Russek.

Absent—Excused.

Neal.

House Bill No. 247.

The Chair laid before the Senate on second reading the following bill:

By Mr. Woodall:

H. B. No. 247, A bill to be entitled "An Act making it a felony for any sheriff, constable, deputy constable, deputy sheriff, justice of the peace, chief of police, policeman, or other peace officer, to demand, receive or collect the whole or any part of the fine or costs in any misdemeanor case until after the affidavit or information has been filed and judgment of conviction rendered in such case, and prescribing the punishment therefor."

The Committee report carrying amendments was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 247 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent.

Russek.

Absent—Excused.

Neal.

The bill was read third time and finally passed.

House Bill No. 348.

The Chair laid before the Senate on second reading the following bill:

By Mr. Patterson et al.:

H. B. No. 348, A bill to be entitled "An Act to amend Article 1721 of the Revised Civil Statutes of Texas of 1925, providing for the appointment, qualification, duties and compensation of deputy clerks of the Supreme Court of Texas, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 348 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

House Bill No. 406.

The Chair laid before the Senate on second reading the following bill:

By Mr. Hefley:

H. B. No. 406, A bill to be entitled "An Act to amend Article 955 of the Revised Criminal Statutes of 1925 prohibiting the sale of fish taken from fresh water streams of certain named counties, and also providing means and methods of taking and possessing fish from fresh water streams in said counties by omitting name of the county of Milam from said list of counties, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 406 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Moore.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.

Wirtz.
Witt.

Woodul.
Woodward.

Absent—Excused.

Neal.

House Bill No. 436.

The Chair laid before the Senate on second reading the following bill:

By Mr. Dunlap, Mr. Enderby, Mr. Land and Mr. Harding:

H. B. No. 436, A bill to be entitled "An Act amending Article 287 of the Penal Code of the State of Texas of 1925 as amended by Chapter 139 of the General Laws of the Regular Session of the Thirty-ninth Legislature so as to repeal that portion of the State law prohibiting the operation of moving picture shows and theatres on Sunday in this State."

The committee report was adopted.

Read second time.

Senator Wirtz sent up the following amendments:

Amendment No. 1.

Amend H. B. No. 436, page 2, by placing a semi-colon after the word "lubricants" at end of line 12 and beginning of line 13, changing the word "and" after the word "lubricants" to "nor" and striking out the word "nor" after "p. m."

WIRTZ.

Read and adopted.

Amendment No. 2.

Amend the caption to H. B. No. 436 by inserting between the emergency clause and the words "one p. m." the following:

"and empowering any such city or town to prohibit by ordinance the keeping open or showing of such motion picture shows or theatres after one p. m."

WIRTZ, Chairman.

Read and adopted.

The bill as amended passed to third reading.

On motion of Senator Wirtz the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 436 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.
Love.	Stevenson.
Martin.	Thomason.
McFarlane.	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Parr.	Witt.
Parrish.	Woodul.
Patton.	Woodward.

Absent—Excused.

Neal.

Read third time and finally passed
by the following vote:

Yeas—21.

Beck.	Patton.
Berkeley.	Pollard.
Cousins.	Small.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Parr.	Woodward.
Parrish.	

Nays—2.

Cunningham. Hornsby.

Absent.

Hyer. Moore.

(Pairs Recorded.)

Senator DeBerry (present), who
would vote nay with Senator Russek
(absent), who would vote yea.

Senator Greer (present), who
would vote nay with Senator West-
brook (absent), who would vote yea.

Senator Love (present), who
would vote yea with Senator Neal
(absent), who would vote nay.

House Bill No. 462.

The Chair laid before the Senate
on second reading the following bill:

By Mr. Hardy:

H. B. No. 462, A bill to be entitled
"An Act to amend Articles 5473 and
5474, Chapter III, Title 90, of the
Revised Civil Statutes of Texas of
1925, and declaring an emergency."

The committee report was adopted.

The bill was read second time and
passed to third reading.

On motion of Senator Cunning-
ham the constitutional rule requir-

ing bills to be read on three several
days was suspended and H. B. No.
462 was put on its third reading and
final passage, by the following vote:

Yeas—26.

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.

Absent.

Moore.	Russek.
Pollard.	Westbrook.

Absent—Excused.

Neal.

Read third time and finally passed
by the following vote:

Yeas—26.

Beck.	McFarlane.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.

Absent.

Miller.	Pollard.
Moore.	Westbrook.

Absent—Excused.

Neal.

Messages From the House.

The Chair recognized the Door-
keeper, who introduced a messenger
from the House with the following
messages:

Hall of the House of Representatives,
Austin, Texas, March 6, 1929.

Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Parrish:

S. B. No. 364, A bill to be entitled "An Act amending Article 6562, Chapter 1, Title 113 of the Revised Statutes of the State of Texas of 1925, increasing the pay of the officers and men of the State Ranger Force."

The House has adopted S. C. R. No. 25, with amendments, relating to the Dickson Colored Orphanage.

LOUISE SNOW PHINNEY,

Chief Clerk of the House of Representatives.

Hall of the House of Representatives, Austin, Texas, March 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 567 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

YOUNG,

TURNER,

KING,

GRAVES of Williamson,

JOHNSON, of Dimmit.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk House of Representatives.

Motion to Concur.

On motion of Senator Pollard, the Senate voted to concur in the House amendment to S. C. R. No. 25.

The Chair appointed Senators Pollard and Beck on the part of the Senate.

Free Conference Granted.

The Senate voted to grant the request of the House for a Free Conference Committee on H. B. No. 567, and the Chair appointed the following on the part of the Senate:

Senators Holbrook, Hornsby, Stevenson, DeBerry, and McFarlane.

House Bill No. 466.

The Chair laid before the Senate on second reading the following bill:

By Mr. Graves of Erath and Mr. Graves of Williamson:

H. B. No. 466, A bill to be entitled "An Act to amend Article 691 of the Penal Code of Texas as revised in 1925, so as to allow a search warrant to issue in certain instances upon information and belief of two credible persons."

The bill was read second time.

Senator Love moved to substitute the favorable minority report for the unfavorable majority report.

Recess.

On motion of Senator Wirtz the Senate, at 4:45 o'clock p. m. recessed until 8:00 o'clock p. m.

After Recess.

The Senate met at 8:00 p. m., pursuant to recess and was called to order by Lieutenant Governor Barry Miller.

Executive Session Announced.

On motion of Senator Williamson, the Senate voted to go into executive session Thursday morning.

Motion to Adjourn.

Senator Wirtz moved to adjourn until 10:00 o'clock tomorrow morning because of the lack of a quorum.

Senator Love moved to recess until 10:00 o'clock in the morning.

The motion to adjourn prevailed by the following vote:

Yeas—7.

Cousins.	Williamson.
Martin.	Wirtz.
Small.	Woodward.
Westbrook.	

Nays—6.

Beck.	Parr.
Berkeley.	Pollard.
Love.	Woodul.

Absent.

Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Witt.
McFarlane.	

Absent—Excused.

Neal.

At 8:10 o'clock p. m., the Senate

adjourned until tomorrow morning at 10:00 o'clock.

APPENDIX.

Petitions and Memorials.

Lovelady, Texas, March 4, 1929.
Senator W. D. McFarlane,
Capitol Station, Austin, Texas.
Dear Sir:

You will notice in the Senate Journal in a statement made by W. M. Odell, giving his reasons why there was not as much production on the State Farms in 1928, as there was in 1927.

He lays this difference to weather conditions, the weather conditions were the same on all of the Brazos bottom state farms during those two years and we all made about the same amount per acre in 1927, and in 1928, I made 358 bales more than I did in 1927, I also made more corn, cane and vegetables in 1928 than I did in 1927, in fact I think I was the only manager in the system that R. H. Baker couldn't keep from making a good crop, he caused some good managers to be let out and had their places filled with poor makeshifts for managers. This has been one of the greatest causes for the prison farms doing as poor as they have to put men on these farms who do not know anything about farming is very wrong, for the people under him will take advantage of his ignorance and throw off on their jobs, poor management on these farms for any length of time is a great loss to the State. The right thing to do would be to put men on these jobs who have had experience and know their business, regardless of how and who they voted for, then these farms would do something worth while, but as long as they are supplied with a bunch of political friends, who do not know anything about farming (as is being done now) just that long the people of Texas will suffer that loss that they are suffering now.

We have men on the Prison Board who are both capable and willing to run the system right but for the lack of authority they have to stand back and let R. H. Baker and Mrs. Speer run things their own way, which is the wrong way.

R. H. Baker and Mrs. Speer have said that the present prison system should be done away with and naturally they would be supposed to cause these farms to be run in a way that would show them up bad, I don't want to leave the impression that I am not in favor of the welfare part of the prison system, I believe that every body connected with the system should have at heart the welfare of the prisoners, to the full amount that is due them, but the system cannot be run by the welfare part alone as is now being tried.

We should have people to run the prison system who can qualify with welfare and other business in equal parts all in one and then we would see the system a success. It is generally known by people all over the country why the State Farms are a failure, which is for the lack of ordinary farm business management. If the people who are supposed to be running the prison system would try as hard to manage it as they tried to make excuses for it not being managed then we would have a system that we would be proud of.

If the prison farms were managed through one administration as they can and should be, then we would know their real value, politics should be cut out of the prison system to the extent of not putting in mis-fits as managers. We have people in the system who will cause friction among the managers and convicts and then go through the form of straightening things out just to establish for themselves as being of great importance, the most of the trouble in handling convicts is caused by someone else besides the convicts, whether their managers are on to their jobs or not, and if he is on to it they won't give him much trouble, but if he is not on to it they will show him very little respect and will give him all kinds of trouble. It is human nature for us to not want to be managed by our inferiors.

Some one ought to answer this question.

Why, was it that the Harlem farm with only two camps made 526 bales of cotton more than other State farms which had three camps, more labor force and more acreage, and Harlem never was known to produce more than these other farms before.

We need a big experienced General Manager to prevent such things as this.

Hoping you much success in the efforts you are making to do something for the people of Texas, I am yours,

Friend.
B. B. MONZINGO.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 209 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 354 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 502 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 208 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 281, A bill to be entitled "An Act to amend Article 6215 T-

tle 109, Revised Statutes of Texas, 1925, relative to the time of payment of pensions, affidavits supporting claims and warrants issued in payment thereof, by changing the time of payment of the pensions so as to provide that payments shall be made on the first day of each month of each year; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 730, A bill to be entitled "An Act making it unlawful to take or kill wild squirrels in Williamson County during certain months of the years and providing that the remainder of the year shall be an open season for killing wild squirrels; prescribing the necessary penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 554, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe or fawn within the limits of the county of Bastrop, State of Texas, for a period of five years from and after the passage of this Act, and providing a penalty therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 232, A bill to be entitled "An Act amending Article 879f, as amended by Chapter 215, general and special laws, Regular Session, 40th Legislature, placing a closed season on the hunting of wild prairie chicken in certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate that the original bill do not pass but that the Committee substitute, attached hereto, do pass in lieu thereof, and it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 607, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office of the State of Texas to issue an oil and gas lease to H. M. Holden, his heirs and assigns, for a term of five years and as long thereafter as oil, gas or any other mineral is produced in paying quantities, upon Mineral Survey 688 for 703.86 acres in Nueces Bay, Nueces county, Texas, being the Survey included in Permit No. 5242, conditioned that the said H. M. Holden, his heirs or assigns, shall pay to the General Land Office in advance for the benefit of the Available School Fund a sum of one dollar per acre, per year, until oil, gas or other minerals be produced during said five year period, when a royalty equal to one-eighth of the market value of the gross production shall be paid in lieu of said rentals, providing for a forfeiture and reinstatement and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 26, A Joint Resolution "Proposing an amendment to Article 14 of the Constitution of Texas by adding thereto Section 4A, providing that the Legislature shall have power to validate surveys of public lands which have been made contrary to any statute, and to ratify any patents that may have been issued thereto, providing for an election upon such proposed constitutional amendment, and making an appropriation therefor,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Chairman.

Committee Room,
Austin, Texas, March 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Motor Traffic and Highways to whom was referred

H. B. No. 654, A bill to be entitled "An Act defining motor carrier and placing such motor carriers under the regulation of the Railroad Commission of Texas; providing for the classification of motor carriers into classes and providing that every motor carrier in order to operate on the public highways must have a permit or certificate of public convenience and necessity; providing further, that such motor carriers may not operate without filing with the Railroad Commission of Texas a bond or insurance policy which will protect the public for injuries or loss resulting from such operation; declaring that such motor carriers are common carriers and giving to the Railroad Commission the power to regulate the routes and rates, schedules, service and safety of such motor carriers; providing for hearings on application for permits and certificates of convenience and providing for appeal from the decisions of the Railroad Commission; providing for the attendance and fees for witnesses at public hearings; making the violation of any provision of

the Act a misdemeanor and imposing a penalty; providing for the recovery of penalties by the State for the violation of the rules and orders of the Commission and providing for the remedy of injunction to enforce the Act; providing license fees for the creation of a fund for administering the Act and providing a portion from sales of certificates shall go to the State Treasury for the benefit of the State Highway Fund; providing for the issuance of special identification plates for motor carrier vehicles and prescribing the fees therefor; appropriating a fund for the administration of the Act in the event revenues from licenses are insufficient for that purpose; granting to the Railroad Commission power to prescribe rules and regulations that may be necessary to make the Act effective; permitting the transfer of a certificate by the Railroad Commission under conditions of proof that any such change permitted shall not be in violation of any restriction against monopolies or trusts as defined in the Statutes of the State; repealing all laws and parts of laws in conflict therewith and providing that the invalidity of one part shall not affect the validity of the remaining portions of the Act; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that said H. B. No. 654 do not pass, but that there be passed in lieu thereof and as a substitute therefor the substitute bill hereto attached, being identical with S. B. No. 413 on the same subject as heretofore finally passed by the Senate. And we, your Committee further recommend that this Bill be not printed for the reason that the Senate Bill on the same subject, that is to say, the Substitute submitted herein has heretofore been printed.

Respectfully submitted,

WITT, Chairman.

Committee Room,

Austin, Texas, March 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on State Affairs, to whom was referred

H. B. No. 454, A bill to be entitled "An Act amending Article 878 of the 1925 Penal Code, amended by H. B. No. 71, Chapter 222, page 326,

Regular Session of the 40th Legislature so as to change the dividing line between the north and south hunting zones of this State, and providing for which portion of the State shall be in each zone; amending Section 1, Article 879 of House Bill 161, Chapter 215, page 316, Regular Session of the 40th Legislature so as to define the open season on doves in the North Zone and South Zone, excepting certain counties therefrom; providing when this Act shall effect; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate that the original bill do not pass but that the Committee Substitute, attached hereto, do pass in lieu thereof.

WIRTZ, Chairman.

Senate Committee Substitute Bill
For H. B. No. 454.

By Graves of Erath. H. B. No. 454

A BILL

To Be Entitled

An Act amending Article 879 of the 1925 Penal Code as amended and provided for in H. B. No. 161, Chapter 215, page 316, Regular Session of the 40th Legislature, so as to provide an open season or period of time when it shall be lawful to kill wild mourning doves in the north zone and in the south zone; excepting certain counties therefrom, and providing for an open season or period of time in which it shall be lawful to take or kill wild mourning doves in such excepted counties; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1 That Article 879, as provided for and amended in Section 1 of House Bill No. 161, Chapter 215, page 316, Regular Session of the 40th Legislature, be, and the same is hereby amended so as to hereafter read as follows:

"Article 879. There shall be an open season or period of time when it shall be lawful to hunt, take or kill wild mourning doves in the north zone during the months of September and October of each year, and in the south zone during the months of October and November of each year, provided however, that it shall be unlawful to hunt, take or

kill wild mourning doves except during the period of time from December 1 to January 16, both days inclusive of each year, in the following named counties: Lamar, Red River, Bowie, Delta, Hopkins, Franklin, Titus, Morris, Cass, Wood, Camp, Upshur, Marion, Harrison, Gregg, Smith, Van Zandt, Kaufman, Pano-la, Rusk, Cherokee, Henderson, Navarro, Hill, Johnson, Hood, Somerville, Erath, Hamilton, Bosque, Coryell, McLennan, Limestone, Freestone, Anderson, Bell, Milam, Robertson, Leon, Houston, Nacogdoches, Shelby, Sabine, San Augustine, Angelina, Trinity, Madison, Walker, Grimes, Brazos, Burleson, Washington, Lee, Bastrop, Fayette, Austin, Waller, Lavaca, DeWitt, Goliad, Victoria, Calhoun, Fort Bend, Montgomery, San Jacinto, Polk, Tyler, Jasper, Newton, Orange, Jefferson, Hardin, Liberty, Chambers, and Falls."

Sec. 2. The fact that the present session of the Legislature is nearing an end and the calendar in both Senate and House is crowded creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule providing that a bill shall be read on three several days in both houses and said rule is hereby suspended and this Act shall be in effect from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, March 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 91, A bill to be entitled "An Act providing for the regulation of gins, ginners, ginning; the licensing of ginners; providing for proper packing, wrapping, marking and providing for weighing of seed and lint cotton and cottonseed and keeping a record of same; providing for the collection of license fees to be used by the Commissioner of Agriculture for the enforcement of this Act; requiring certain reports; providing penalties for the violation of this Act; defining certain terms, repealing certain articles of the Statute and all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consider-

ation, and I am instructed to report it back to the Senate with recommendation that it do pass with the attached committee amendment, and that it be printed in the Journal and not otherwise.

WIRTZ, Chairman.

Amendment.

Amend House Bill No. 91 as follows:

Amend the bill by striking out all of Section 8 and renumbering the remaining sections.

Amendment.

Amend House Bill No. 91 as follows:

Amend the bill by striking out all of Section 8 and renumbering the remaining sections.

By Shelton, H. B. No. 91,

A BILL

To Be Entitled

An Act providing for the regulation of gins, ginners, ginning, the licensing of ginners; providing for proper packing, wrapping, marking and providing for weighing of seed and lint cotton and cottonseed and keeping a record of same; providing for the collection of license fees to be used by the Commissioner of Agriculture for the enforcement of this Act; requiring certain reports; providing penalties for the violation of this Act; defining certain terms, repealing certain Articles of the Statute and all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All ginners operating in this State, whether individuals, partnerships or joint stock companies or corporations, ginning cotton for commercial purposes, shall be known as ginners and shall be charged with a public use; and shall be required to obtain an annual license as a licensed ginner from the Commissioner of Agriculture, said annual license to expire May 31st of each year and must be renewed before the first of July each year; provided that such ginner shall, before obtaining license as ginner, furnish to the Commissioner satisfactory evidence that his gin is equipped with adequate machinery, ginning, cleaning and packing facilities, sufficient to en-

able him to comply with the provisions of this Act and provided further that such ginner shall pay to the Commissioner an annual license fee of Two and 50/100 (\$2.50) Dollars, said fee to accompany application for license; provided all such license fees collected by the Commissioner from ginner shall be deposited with the State Treasurer to the credit of a fund known as "Ginners License Fund" and is hereby appropriated and shall be used by the Commissioner in the enforcement of this Act and shall be paid out of the Treasury upon warrants issued by the Comptroller against the State Treasurer upon sworn accounts by the Commissioner of Agriculture.

Sec. 2. Application for license shall be made by the Commissioner, stating the location and the amount of capital invested in the gin, by whom owned, and the postoffice address of the owner and operator, and shall accompany the license fee provided for in Section 1. Said license when received by the ginner shall be posted in a conspicuous place about the gin.

Sec. 3. The ginner shall correctly weigh all seed cotton tendered for ginning before being ginned; correctly weigh the seed after being ginned; also to correctly weigh the lint cotton after packing and baling and to issue to the person for whom such cotton was ginned, date of ginning and baling, also showing the weights, marks and number of each bale ginned, all of which shall be recorded and such record preserved for public inspection. And that all cotton ginned has been carefully ginned and properly packed and wrapped; that no foreign matter or substance of any nature has been placed in the cotton, nor has any water or anything that would increase the weight thereof been placed therein during the process of ginning before or thereafter while the cotton was in the possession of the ginner. That the ginner will keep the seed free from dirt, hulls, motes and any other foreign matter, and that the ginner will not store or place or permit to be stored or placed a bale of cotton that has been on fire during the process of ginning within seventy-five feet of cotton that has not been exposed to fire and shall brand the word "fire"

with a red tag or red marker on every such bale that has been on fire.

Sec. 4. Every ginner who buys seed cotton shall make a record of such transactions in a book kept in the gin for the purpose, said record to show the name and postoffice address of the person from whom the cotton was purchased, the amount of seed cotton purchased, and the date of purchase and description of person, wagon and team or truck in which the cotton was brought to the gin and the license number of car or truck, if cotton was hauled in same, and such record shall be subject to public inspection.

Sec. 5. Each bale of cotton ginned by a licensed ginner in this State shall be so wrapped that the bale will be completely covered when compressed; provided, that the ends of the bale shall be covered and the bagging well sewed or securely fastened; and provided further that the bagging shall be dry when placed on the bale.

Sec. 6. Each and every licensed ginner in the State shall mark each bale of cotton ginned by him with an indestructible metal marker, which shall contain a face surface of sufficient dimensions to cut in plain letters and figures the number of the bale, as recorded on the books of the ginner; the ginner's postoffice address; and also the ginner's license number of the said gin which shall read "B———". The blank above indicated shall be filled in by the ginner by placing the same number, numerically, as that shown on the books of the gin ginning the same, and the letter "B" shall stand for bale. The second blank shall be filled in by inserting the number of the gin license assigned to the gin by the Commissioner, provided that said marker shall be securely fastened to one of the ties or bands of the bale of cotton.

Sec. 7. The Commissioner shall have power and authority and it shall be his special duty, to enforce the different provisions of this law relating to ginner.

Sec. 8. All matters relating to the issuance of a ginner's license, as in this Act provided, and all rules and regulations pertaining to gins, ginning and ginner, as are authorized and required by any provisions

or Section of this Act, shall be subject to review by any court of competent jurisdiction.

Sec. 9. It shall be the duty of each licensed ginner in this State who shall cease to operate as a ginner to report such fact to the Commissioner. If said gin has been sold or transferred, the name of the party to whom sold or transferred and his postoffice address shall be given. If said gin has been destroyed by fire, or otherwise, such fact shall be stated in said report.

Sec. 10. It shall be unlawful for any person in this State, acting either for himself or for another to falsely pack, or plate any bale of cotton, or to aid or encourage the false packing or plating of any bale of cotton.

Sec. 11. It shall be unlawful for any person in this State acting for himself or for another to deface or destroy any marks of identification that have been placed on a bale of cotton by the ginner. Provided, however, when any bale of cotton is compressed the indestructible metal marker may be removed, after first making a permanent record thereof on each bale of such cotton, which said record shall be open for inspection by the owner or purchaser thereof, or their duly authorized agent.

Sec. 12. If any person in this State acting either for himself or for another shall do anything prohibited by this Act, or fail to do anything required under the terms of this Act, such person shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine in any sum not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars.

Sec. 13. The word "Commissioner" as herein used shall mean the Commissioner of Agriculture of Texas. "Carefully ginned" as used in this Act, shall be construed to mean that the lint has been properly separated from the seed, in such manner that no injury has been done to the fibre of the lint; that all gin machinery is in good condition and correctly speeded. "Evenly packed," as that term is used in this Act, shall be construed to mean that the lint cotton is evenly distributed to the press box, that the

bale of cotton when pressed and turned out is of uniform density. "Properly wrapped" as that term is used in this Act, shall be construed to mean that the bagging is long enough to completely cover the ends of the bale of cotton; that the ends of the bagging are well sewed or fastened and that the bagging is wide enough to completely cover the sides of the bale of cotton when same is compressed. The words "false packing" as used herein shall be construed to mean that no "loose" or samples taken from other bales, motes or foreign matter has been placed within the cotton that will increase the weight thereof during or after the process of ginning. The word "plated" as used herein, shall be construed to mean that a better grade of cotton has been placed on sides of the bale that is contained on the inside. The term "indestructible material" as used in this Act, shall be construed to mean that character of metal that will resist heat and corrosion to as great extent as will the ties on the bale of cotton.

Sec. 14. The following Articles 5666, 5667, 5668, 5669, 5670, 5671, 5672, 5673, 5674, 5675 and 5676 of Chapter 6, Revised Civil Statutes of 1925 and all other laws in conflict herewith are hereby repealed.

Sec. 15. The fact that the new year for ginner begins June 1, 1929 and that new forms of applications and reports must be furnished to ginner before that time, and that many of the gins begin operating in June; and the fact that the present laws regulating gins and ginner are inadequate, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 286, a bill to be entitled "An Act providing that every person registering a motor vehicle, tractor, trailer, semi-trailer or motorcycle

used on the public highways of this State shall accompany his application for registration with a statement upon oath or affirmation, signed by the applicant, that such motor vehicle, tractor, trailer, semi-trailer or motorcycle was rendered for taxation for the preceding year or that said vehicle was not liable for taxation during said preceding year, or that said vehicle was not owned, in whole or in part, by the applicant during the preceding year, and stating that the number plates or seal assigned to applicant will not be used on a different motor vehicle, tractor, trailer, semi-trailer or motorcycle other than for which application is made, and providing for the payment of the tax upon said vehicle for the preceding year in lieu of such statement; " etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

WITT, Chairman.

By Fuchs et al.

H. B. No. 286.

A BILL

To Be Entitled

An Act providing that every person registering a motor vehicle, tractor, trailer, semi-trailer or motorcycle used on the public highway of this State shall accompany his application for registration with a statement upon oath or affirmation, signed by the applicant, that such motor vehicle, tractor, trailer, semi-trailer or motorcycle was rendered for taxation for the preceding year, or that said vehicle was not liable for taxation during said preceding year, or that said vehicle was not owned, in whole or in part, by the applicant during said preceding year, and stating that the number plates or seal assigned to applicant will not be used on a different motor vehicle, tractor, trailer, semi-trailer or motorcycle other than for which application is made, and providing for the payment of the tax upon said vehicle for the preceding year in lieu of such statement; providing for the administration of such oath or affirmation by the tax collector; and providing a penalty for any misrepresentation made in said statement, an declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after the taking effect of this Act every owner of a motor vehicle, tractor, trailer, semi-trailer or motorcycle, used on the public highways of this State, shall accompany his application for registration of said motor vehicle, tractor, trailer, semi-trailer, or motorcycle with a statement upon oath or affirmation, signed by the applicant, that such motor vehicle, tractor, trailer, semi-trailer or motorcycle was rendered for taxation for the preceding year, and naming the county where such was rendered for taxes, or that said vehicle was not liable for taxation for the preceding year, or that said vehicle was not owned by him on January 1st of the preceding year; provided, further that the applicant will state that the license plates or seal assigned to applicant will not be used on a different motor vehicle, tractor, trailer, semi-trailer or motorcycle other than that for which application was made; provided that any person who is unable to make the affidavit provided for by this Act on account of his failure to render such vehicle for taxation for the previous year may nevertheless register such vehicle upon payment of the ad valorem tax, which said tax shall be assessed and collected and entered upon a supplemental tax roll by the tax collector, as provided in Article 7209 of the Revised Civil Statutes of Texas.

Sec. 2. All tax collectors and their deputies charged with the duty of registering motor vehicles are hereby authorized to administer the oath or affirmation provided for in the preceding Section of this Act, provided that the tax collectors or their deputies shall charge no compensation for such oath or affirmation.

Sec. 3. Any person filing an application for registration of any motor vehicle, tractor, trailer, semi-trailer or motorcycle, who shall make or execute any false statement in the statement required by this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Thirty - five (\$35.00) Dollars nor more than One Hundred (\$100.00) Dollars.

Sec. 4. The fact that a great

number of persons owning motor vehicles in this State do not render same for taxation creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring all bills to be read on three several days in each House, and that this Act shall take effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

Committee Room,

Austin, Texas, March 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 583, A bill to be entitled "An Act to amend Articles 833 and 834 of the Penal Code of the State of Texas for 1925, so as to give the State Highway Commission authority to forbid the use of roads and bridges under certain circumstances; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal with committee amendment.

WITT, Chairman.

Committee Amendment.

Add in Section 1 after the words "portions thereof" the following: "Provided no road shall be closed until detours have been provided."

By Hubbard et al. H. B. No. 583.

A BILL

To Be Entitled

An Act to amend Articles 833 and 834 of the Penal Code of the State of Texas for 1925, so as to give the State Highway Commission authority to forbid the use of roads and bridges under certain circumstances, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 833 of the Penal Code of the State of Texas for 1925, be amended so that the same shall hereafter read as follows:

"Article 833. The County Commissioners of any precinct, or County Road Superintendent of any county, or road Supervisor whose road is affected, or the State Highway Com-

mission, may have the authority by posting notices on the highways or roads under their respective control when from wet weather or recent construction or repairs such cannot be safely used without probable serious damage to same, or when the bridge or culverts on same are unsafe, to forbid the use of such highway or section thereof by any vehicle or loads of such weight or tires of such character as will unduly damage such highway. The notices provided for herein shall state the maximum load permitted and the time such use is prohibited and shall be posted upon the highway in such place as will enable the drivers to make detours to avoid the restricted highways or portions thereof.

"If the owner or operator of any such vehicle feels himself aggrieved by such action, he may complain in writing to the County Judge of such county, setting forth the nature of his grievance. Upon the filing of such complaint the County Judge shall forthwith set down for hearing the issue thus raised for a day certain, not more than three days later, and shall give notice in writing to such official of the day and purpose of each hearing, and at such hearing the County Judge shall hear testimony offered by the parties respectively, and upon conclusion thereof, shall render judgment sustaining, revoking or modifying such order heretofore made by the County Road Superintendent or road Supervisor, or the State Highway Commission, and the judgment of the County Judge shall be final as to the issues raised. If upon such hearing the judgment sustains the order of the County Road Superintendent or road Supervisor and it appears that any violation of same has been committed by the complainant since posting such notices, he shall be subject to the same penalty hereinafter provided for such offense as if the same had been committed subsequent to the rendition of such judgment made upon such hearing.

Any party guilty of violating the provisions and directions of any such order or notice of the County Road Superintendent or road Supervisor, or the State Highway Commission, before or after it has been so approved by such judgment of the

County Judge shall be fined not exceeding Two Hundred Dollars."

Sec. 2. That Article 834 of the Penal Code of the State of Texas for 1925 be amended so that same shall read as follows:

"Article 834. The Commissioners' Court of any county subject to this Law acting upon their own motion, or through the Superintendent where one is employed, or the State Highway Commission, shall have the power and authority to regulate the tonnage of trucks and heavy vehicles which by reason of the construction of the vehicle or its weight and tonnage of the load shall tend to rapidly deteriorate or destroy the roads, bridges and culverts along the particular road or highway sought to be protected, and notices shall be posted and shall state the maximum load permitted and the time such use is prohibited, and shall be posted upon the highway in such places as will enable the drivers to make detours to avoid the restricted highways or portions thereof.

"If the owner or operator of any such vehicle feels himself aggrieved by such action, he may complain in writing to the County Judge of such county, setting forth the nature of his grievance. Upon the filing of such complaint, the County Judge shall forthwith set down for hearing the issue thus raised for a certain day, not more than three days later, and shall give notice in writing to such road official of the day and purpose of such hearing, and at such hearing County Judge shall hear testimony offered by the parties respectively, and upon conclusion thereof shall render judgment sustaining, revoking or modifying such order theretofore made by the County Road Superintendent, and the judgment of the County Judge shall be final as to the issues so raised.

If upon such hearing the judgment sustains the order of the County Superintendent, or the State Highway Commission, and it appears that any violation of same had been committed by the complainant since posting such notices, he shall be subject to the same penalty hereinafter provided for such offense as if same had been committed subsequent to the rendition of such judgment made upon such hearing.

Any party guilty of violating the provisions and directions of such order of the County Road Superintendent or State Highway Commission, after it has been so approved by such judgment of the County Judge shall be fined not exceeding Two Hundred Dollars."

Sec. 3. The fact that the present Law does not authorize the Highway Commission to close roads and bridges, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on State Affairs, to who was referred

H. B. No. 496, A bill to be entitled "An Act providing that there shall be allowed to county judges, clerks of the district and county courts, sheriffs, county treasurers, tax assessors and collectors, books stationery, blanks, and all office furniture and supplies that may be necessary for a proper administration of their offices: provided that suitable offices shall be provided by the commissioners' court for said officers at the expense of the county; providing that such books and stationery as are necessary in the performance of their duties shall be furnished justices of the peace; providing that suitable offices, stationery and blanks necessary in the performance of their duties may be furnished district judges, district and county attorneys, county superintendents and county surveyors, and be paid for on order of the commissioners court out of the county treasury; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Gilbert, King. H. B. No. 496.

A BILL

To Be Entitled

An Act providing that there shall be allowed to county judges,

clerks of the district and county courts, sheriffs, county treasurers, tax assessors and collectors, books, stationery, blanks, and all office furniture and supplies that may be necessary for a proper administration of their offices; providing that suitable offices shall be provided by the commissioners' court for said officers at the expense of the county; provided that such books and stationery as are necessary in the performance of their duties shall be furnished justices of the peace; providing that suitable offices, stationery and blanks necessary in the performance of their duties may be furnished district judges, district and county attorneys, county superintendents and county surveyors, and be paid for on order of the commissioners' court out of the county treasury; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There shall be allowed to county judges, clerks of the district and county courts, sheriffs, county treasurers, tax assessors and tax collectors, such books, stationery, including blank bail bonds and blank complaints, and office furniture as may be necessary for their offices, to be paid for on the order of the commissioners' court out of the county treasury; and suitable offices shall also be provided by the commissioners' court for said officers at the expense of the county. And such books and stationery as are necessary in the performance of their duties shall also be furnished justices of the peace by said commissioners' court. Provided all purchases herein must be approved by commissioners' court, and must be made under the provisions of Article 1659, Revised Civil Statutes of Texas, 1925.

Sec. 2. Suitable offices and stationery and blanks necessary in the performance of their duties may in the discretion of the commissioners' court also be furnished to resident district judges, resident district and county attorneys, county superintendents and county surveyors, and may be paid for on order of the commissioners' court out of the county treasury.

Sec. 3. The public importance of the purposes herein contemplated,

and the fact that Article 3905 of the Revised Statutes of Texas, 1911, which provided that offices and stationery be furnished certain officers of the county was omitted in the codification of 1925, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 388, A bill to be entitled "An Act to amend Articles 6014, 6030 and 6036 so as to remove conflicts from the conservation Statutes, restore the penalties and more adequately provide for the conservation of oil and gas in the State of Texas; authorizing the Railroad Commission of Texas to stop and prevent the waste of such oil and gas and to promote the conservation thereof and to make and enforce rules, regulations and orders for such purposes; providing for the appointment of a Chief Supervisor, a Chief Deputy Supervisor and Deputy Supervisors, and fixing the qualifications and compensations of each, and authorizing the employment of all other necessary assistants, providing for the enforcement of the provisions hereof and to Title 102, of the Revised Civil Statutes of Texas, of 1925, dealing with the conservation of oil and gas and the prevention of the waste thereof, and of the rules, regulations and orders of said Commission made thereunder, and fixing a penalty for the violation thereof; defining terms; providing for notice, hearings and appeal; repealing all laws and parts of laws in conflict herewith; making this law cumulative of all laws of this State on the conservation of oil and gas; providing that the holding of any provision hereof void or unconstitutional shall not nullify the other parts; providing for the survival and saving of liability incurred prior to the repealing of any part of the Revised Civil Statutes of Texas hereby; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Long et al. H. B. No. 388.

A BILL
To Be Entitled

An Act to amend Article 6014, 6030, and 6036, so as to remove conflicts from the conservation Statutes, restore the penalties and more adequately provide for the conservation of oil and gas in the State of Texas; authorizing the Railroad Commission of Texas to stop and prevent the waste of such oil and gas and to promote the conservation thereof and to make and enforce rules, regulation and orders for such purposes; providing for the appointment of a Chief Supervisor, a Chief Deputy Supervisor and Deputy Supervisors, and fixing the qualifications and compensations of each, and authorizing the employment of all other necessary assistants; providing for the enforcements of the provisions hereof and to Title 102 of the Revised Civil Statutes of Texas, of 1925, dealing with the conservation of oil and gas and the prevention of the waste thereof, and of the rules, regulations and orders of said Commission made thereunder, and fixing a penalty for the violation thereof; defining terms; providing for notice, hearings and appeal; repealing all laws and parts of laws in conflict herewith; making this Law cumulative of all laws of this State on the conservation of oil and gas; providing that the holding of any provision hereof void or unconstitutional shall not nullify the other parts; providing for the survival and saving of liability incurred prior to the repealing of any part of the Revised Civil Statutes of Texas hereby; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Where the words "Railroad Commission" or the word "Commission" is used in this Act it shall mean the Railroad Commission of Texas.

Sec. 2. That Article 6014 of the Revised Civil Statutes of 1925 be amended so as to hereafter read as follows:

"Article 6014. Neither natural gas nor crude petroleum shall be produced, transported, stored or used in such manner or under such conditions as to constitute waste; provided, however, this shall not be construed to mean economic waste. The term 'waste' in addition to its ordinary meaning, shall include permitting (a) escape into the open air of natural gas except as may be necessary in the drilling or operation of a well; (b) drowning with water of any stratum capable of producing oil or gas or both oil and gas in paying quantities; (c) underground waste; (d) any natural gas well to wastefully burn; (e) the wasteful utilization of natural gas; (f) the creation of unnecessary fire hazards."

Sec. 3. That Article 6030, Revised Civil Statutes of 1925, be so amended as to hereafter read as follows:

"Article 6030. The Commission shall employ a chief Supervisor of its Oil and Gas Division to aid the Commission in the enforcement of the provision of this Act and all Oil or Gas Conservation Laws of Texas, and all rules, regulations and orders of said Commission made thereunder. He shall also perform the duties placed upon the pipe line expert as set out in the pipe line Statutes of this State. The Commission may also appoint a Chief Deputy Supervisor and such other Deputy Supervisor as may be necessary to assist in carrying out the provisions of this Act and related Statutes and shall employ such other assistances and clerical help as may be necessary for the same purpose. The Salary of the Chief Supervisor and of Chief Deputy Supervisor and of the Deputy Supervisors shall be fixed by the Legislature in its appropriation bill for the Railroad Commission provided such salaries shall not exceed the following amounts: That of the Chief Supervisor shall be Six Thousand Dollars (\$6,000.00) per annum, that of the Chief Deputy Supervisor shall be Five Thousand Dollars (\$5,000.00) per annum, and that of the Deputy Supervisors shall be Thirty-six Hundred (\$3,600.00) per

each annum. In addition to any other qualifications that may be required by the Commission, no one shall hereafter be appointed Chief Supervisor who has not had at least five years experience in some line of the oil or gas business, or in some other business or profession calculated to fit him for the performance of his duties. No one shall hereafter be appointed as Chief Deputy Supervisor who has not had at least three years experience in oil and gas field work, and no one shall hereafter be appointed Deputy Supervisor who has not had at least two years experience in oil and gas field work, a substantial portion of which shall be in the drilling or production department. All salaries and other expenses of every kind and character necessary in the administration and enforcement of this Act shall be paid out of the funds created in Chapter 30, Acts of 1917, being now Article 6032, Revised Civil Statutes of 1925, and in the manner therein provided. The Chief Supervisor, Chief Deputy Supervisor and all Deputy Supervisors and all other employees shall perform the duties prescribed by the Railroad Commission and in conformity to the rules and regulations of the Commission dealing with the production, transportation and conservation of crude oil and natural gas."

Sec. 4. That Article 6036, Revised Civil Statutes of 1925, be amended so as to hereafter read as follows:

"Article 6036. In addition to any penalty that may be imposed by the Commission for contempt for the violation of its orders, any person, firm, corporation, joint stock association, or any officer, agent or employee thereof, violating any of the provisions of this Act or of Title 102 of the Revised Civil Statutes of 1925, or of any of the rules, regulations or orders of said Commission made in pursuance thereof, shall be subject to a penalty of not more than One Thousand Dollars (\$1,000.00) for each and every day of such violation, to be recovered in any court of competent jurisdiction in the county in which the violation occurs, such suit by direction of the Commission to be instituted and conducted in the name of the State of Texas by the Attorney General of

the State, or by the County or District Attorney of the County in which the violation occurs. Such Attorney General, by direction of said Commission shall also have the power to enforce the provisions of this Act and those of Title 102 of the Revised Civil Statutes of Texas, of 1925, and of all rules, regulations and orders promulgated by said Commission thereunder, by suit for injunction brought in the name of the State of Texas in the county in which the property involved is located."

Sec. 5. No rule or regulation shall be adopted under the provisions of this Act, or under the provisions of Title 102 of the Revised Civil Statutes of Texas, 1925, dealing with the conservation of oil and gas and the prevention of the waste thereof, except after hearing upon at least ten days notice given in the manner and form prescribed by the Commission.

Sec. 6. If any person, firm or corporation or other party at interest be dissatisfied with any rule, regulation or order adopted by the Commission in pursuance of the provisions of this Act such dissatisfied party may file a petition setting forth the particular cause of objections thereto in a court of competent jurisdiction in Travis county against the Commission as defendant. Said action shall have precedence over all other causes on the docket of a different nature and shall be tried and determined as other civil cases in said court. Either party to said action may have the right of appeal; and said appeal shall at once be returnable to the Appellate Court, and said action so appealed shall have precedence in said Appellate Court of all causes of a different character therein pending. If the court be in session at the time such right of action occurs, the suit may be filed during such term and stand ready for trial after ten (10) days notice. In all trials under this Section the burden of proof shall rest upon the plaintiff.

Sec. 7. This Act shall be cumulative of all the laws of the State regulating the conservation of oil and gas not in direct conflict herewith and not hereby expressly repealed, but it shall repeal all laws

and parts of laws in conflict with its provisions.

Sec. 8. If any of the provisions of this Act shall be held unconstitutional or for any other reason shall be held void, such holding shall not have the effect to nullify the remaining parts hereof; but the parts not so held to be unconstitutional or void shall remain in full force and effect.

Sec. 9. Previous violations of any of the provisions of the Revised Civil Statutes of Texas, of 1925, that are hereby repealed by which liability for a penalty under said statutes has accrued, shall not be annulled by the passage of this Act, but suits for such liabilities and penalties shall be instituted and proceeded with in all respects as if such prior statutes, or part thereof, had not been repealed or altered, except that where the mode of procedure or matters of practice have been changed by this Act, the procedure provided for herein shall be followed, so far as same is practicable.

Sec. 10. The fact that there were serious omissions in the recodification of the conservation statutes creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three (3) several days and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 11, A joint resolution "Proposing an amendment to Article VII of the Constitution of the State of Texas, so as to authorize the taxation of lands belonging to the University of Texas for county purposes; and providing for valuation of these lands by State Tax Board; and providing for the payment of such taxes by the State of Texas to the proper authorities of the counties where said lands are located; providing for an election upon such proposed constitutional

amendment, and making an appropriation therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HORNSBY, Chairman.

By Metcalf.

H. J. R. No. 11

HOUSE JOINT RESOLUTION

Proposing an amendment to Article VII of the Constitution of the State of Texas so as to authorize the taxation of lands belonging to the University of Texas for county purposes; and providing for valuation of these lands by State Tax Board; and providing for the payment of such taxes by the State of Texas to the proper authorities of the counties where said lands are located; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

Be it Resolved by the Legislature of the State of Texas:

Section 1. That Article VII of the Constitution of the State of Texas be amended by adding thereto Section 16, which shall read as follows:

"Section 16. All land mentioned in Sections 11, 12 and 15 of Article VII, of the Constitution of the State of Texas, now belonging to the University of Texas shall be subject to taxation for county purposes to the same extent as lands privately owned; provided they shall be rendered for taxation upon values fixed by the State Tax Board; and providing that the State shall remit annually to each of the counties in which said lands are located an amount equal to the tax imposed upon said land for county purposes."

Sec. 2. The foregoing constitutional amendment shall be submitted to the qualified electors of the State at the next general election to be held throughout the State on the first Tuesday after the first Monday in November, 1930, at which election all voters favoring said proposed amendment shall write, or have printed on their ballots the words "For the amendment to the Constitution of the State of Texas subjecting the lands of the University of Texas to taxation for county purposes, and providing for the pay-

ment of said taxes to the proper authorities of the counties where said lands are located," and all those opposed shall write, or have printed on their ballots the words "Against the amendment to the Constitution of the State of Texas subjecting the lands of the University of Texas to taxation for county purposes, and providing for the payment of said taxes to the proper authorities of the counties where said lands are located."

Sec. 3. The Governor of the State is hereby directed to issue the necessary proclamation for said election and have same published as required by the Constitution and Laws of this State.

Sec. 4. The sum of Two Thousand Dollars (\$2,000.00) or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State not otherwise appropriated to pay the expenses of the publication of said amendment.

Committee Room,

Austin, Texas, March 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on State Affairs, to whom was referred

H. B. No. 495, A bill to be entitled "An Act relating to the registration of motor vehicles, trailers and semi-trailers; prescribing the license fees required for their registration; providing for the distribution and apportionment of all license fees collected pursuant to this Act; providing for the enforcement of the provisions of this Act; fixing the date this Act shall take effect; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the original bill do not pass but that the committee substitute, hereto attached, do pass in lieu thereof, and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Gilbert et al H. B. No. 495.

A BILL

To Be Entitled

An Act relating to the registration of motor vehicles, trailers and

semi-trailers; prescribing the license fees required for their registration; providing for the distribution and apportionment of all license fees collected pursuant to this Act; providing for the enforcement of the provisions of this Act; fixing the date this Act shall take effect; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Definition of Terms. The following words and terms, as used herein, have the meaning respectively ascribed to them in this Section, as follows:

(a) "Vehicle" means every device in, upon, or by which any person is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or tracks.

(b) "Motor vehicle" means every vehicle, as herein defined, that is self-propelled.

(c) "Motorcycle" means every motor vehicle designed to propel itself on not more than three wheels in contact with the ground.

(d) "Truck tractor" means every motor vehicles designed or used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(e) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry.

(f) "Road tractor" means every motor vehicle designed or used for drawing other vehicles or loads, and not so constructed as to carry a load independently or any part of the weight of the drawn load or vehicle.

(g) "Trailer" means every vehicle designed or used to carry its load wholly on its own structure and to be drawn by a motor vehicle.

(h) "Semi-trailer" means every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle.

(i) "Commercial motor vehicle" means any motor vehicle other than a motorcycle designed or used for the transportation of property for compensation or hire.

(j) "Passenger car" means any motor vehicle other than a motorcycle designed or used primarily for the transportation of persons.

(k) "Department" means the State Highway Department or its duly authorized officers or agents.

(l) "Owner" means any person who holds the legal title of a vehicle or who has the legal right of possession thereof, or the right of control of said vehicle.

Sec. 2. Every owner of a motor vehicle, trailer, or semi-trailer shall apply each year to the State Highway Department through the county tax collector of the county in which he resides for the registration thereof for the ensuing or current calendar year or the unexpired portion thereof; provided, however, that owners of farm tractors and implements of husbandry operated or moved temporarily upon the highways shall not be required to register such tractors or implements.

Sec. 3. Application for the registration of a vehicle required to be registered hereunder shall be made on a form furnished by the Department, each such application shall be signed by the owner of the vehicle and shall give his name and address in full, and shall contain a brief description of the vehicle to be registered. Said description, in case of a motor vehicle, shall include: The trade name of the vehicle; the year model; the style, type of body and the weight, if a passenger car, or the net carrying capacity and gross weight if a commercial motor vehicle; the motor number; whether new or used, and if new, the date of sale by manufacturer or dealer to the applicant. The application shall contain such other information as may be required by the Department. It is expressly provided, however, that the owner of a vehicle previously registered in this State may in lieu of filing an application as hereinbefore directed, present the license receipt and transfer receipts, if any, issued for the registration or transfer of the vehicle for the preceding calendar year, and said receipt or receipts shall be accepted

by the county tax collector as an application for the renewal of the registration of the vehicle, provided said receipts indicate that the applicant is the rightful owner thereof. Provided, however, that should an owner or a claimed owner of a motor vehicle or automobile offer to register same but has lost or misplaced the transfer, then upon his furnishing satisfactory evidence to the tax collector by affidavit or otherwise that he is the real owner of same, then shall it become the duty of the tax collector to issue his license therefor. Owners of motor vehicles, trailers and semi-trailers which are the property of, and used exclusively in the service of the United States Government, the State of Texas, or any county or city thereof, shall apply annually to register all such vehicles, but shall not be required to pay the registration fees herein prescribed. Application shall be made for the registration of a new vehicle for the unexpired portion of the year in which it is acquired before it is operated on the public highways; except that a new vehicle may be operated temporarily by a dealer under a dealer's license number or by its purchaser under a special dealer's cardboard number as provided in Chapter 211, General and Special Laws of the Regular Session of the Fortieth Legislature. Application for the renewal of registration of a vehicle for any calendar year shall be made not later than February first of that year and not earlier than December first of the next preceding calendar year; and during the month of January of each year it shall be lawful to operate any such vehicle under license number plates and license issued for such vehicle for the preceding calendar year.

Sec. 4. Each application filed hereunder during the first quarter of a calendar year shall be accompanied by the full amount of the annual license fee herein prescribed. Applications filed hereunder during the second, third, and fourth quarter of the calendar year shall be accompanied, respectively, by three-fourths, one-half and one-fourth of the amount of the annual license fees.

Sec. 5. The annual license fee

for the registration of a motorcycle shall be Five Dollars.

The annual license fee for the

registration of a passenger car shall be based upon the weight of the vehicle as follows:

Weight in Pounds	Fee per 100 Lbs. or fraction thereof
1 to 2000	\$.28
2001 to 3500	.36
3501 to 4500	.48
4501 and up	.50

The weight of any passenger car, for purposes of registration shall be the weight generally accepted as its correct shipping weight plus 100 pounds.

for the registration of a commercial motor vehicle or truck tractor shall be based upon the gross weights and tire equipment of the vehicle as follows:

Sec. 6. The annual license fee

Gross Weight in Pounds	Fee per 100 pounds or fraction thereof	
	Equipped with Pneumatic tires	Equipped with solid rubber tires
Class 1— 1000- 6000	\$.30	\$.40
Class 2— 6001- 8000	.40	.50
Class 3— 8001-10,000	.50	.60
Class 4—10,001-12,000	.60	.80
Class 5—12,001-14,000	.80	1.00
Class 6—14,001-16,000	1.20	1.50
Class 7—16,001-22,000	1.60	2.00
Class 8—22,001 and up	4.00	5.00

The term gross weight as used in this Section shall mean the actual weight of the vehicle fully equipped with body and other equipment, as certified by any official public weigher or any license and weight inspector of the State Highway Department, plus its net carrying capacity. "Net carrying capacity" as used in this Section shall be the weight of the heaviest net load to be carried on the vehicle being re-

gistered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity.

Sec. 7. The annual license fee for the registration of a road tractor shall be based upon the weight of the tractor, as certified by any official Public Weigher or any License and Weight Inspector of the State Highway Department, as follows:

1000- 4000 lbs.	\$.25 per cwt.
4001- 6000 lbs.	.50 per cwt.
6001- 8000 lbs.	.60 per cwt.
8001-10,000 lbs.	.75 per cwt.
10,001-16,000 lbs.	1.00 per cwt.
16,001-20,000 lbs.	2.00 per cwt.

Sec. 8. The annual license fee for the registration of a trailer or semi-trailer shall be based upon the

gross weight and tire equipment of the trailer or semi-trailer as follows:

Gross weight in Lbs.	Equipped with		
	Pneumatic tires	solid tires	steel tires
Class 1— 1000- 6000	\$.30	\$.40	\$1.00
Class 2— 6001- 8000	.40	.50	1.25
Class 3— 8001-10,000	.50	.60	1.50
Class 4—10,001-12,000	.60	.80	2.00
Class 5—12,001-14,000	.80	1.00	2.50
Class 6—14,001-16,000	1.20	1.50	3.00
Class 7—16,001-20,000	1.60	2.00	4.00
Class 8—20-001 and up	4.00	5.00	6.00

The term gross weight as used in this Section means the actual weight

of the trailer or semi-trailer, as officially certified by any Public

Weigher or any License and Weight Inspector of the State Highway Department, plus its net carrying capacity. "Net carrying capacity" as used in this Section shall be the weight of the heaviest net load to be carried on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity.

Sec. 9. The Department shall compile and furnish to the County Tax Collectors a complete and detailed schedule of license fees to be collected on the various makes, models and types of vehicles required to be registered hereunder; and the weight, net weight, or gross weight of any vehicle required to be registered, as determined by the Department, shall be accepted as correct for registration purposes to the exclusion of any and all other purported weights of said vehicle.

Sec. 10. Apportionment of Funds. On Monday of each week each County Tax Collector shall deposit in the County Depository of his county to the credit of the County Road and Bridge Fund an amount equal to 100 per cent of net collections made hereunder during the preceding week until the amount so deposited for the current calendar year shall have reached a total sum of \$50,000.00.

Thereafter, and until the amount so deposited for the year shall have reached a total of \$300,000.00 he shall deposit to the credit of said Fund on Monday of each week an amount equal to 50 per cent of collections made hereunder during the preceding week.

Thereafter, he shall make no further deposits to the credit of said Fund during that calendar year. All collections made during any week under the provisions of this Act in excess of the amounts required to be deposited to the credit of the Road and Bridge Fund of his county shall be remitted by each County Tax Collector on each Monday of the succeeding week to the State Highway Department, together with a carbon copy of each license receipt issued hereunder during the preceding week. He shall also on Monday of each week remit to the Department as now provided by Law, all transfer fees and chauffeurs' license fees collected by him during the preced-

ing week, together with carbon copy of all receipts issued for said fees during the week. He shall also accompany all remittances to the Highway Department with a complete report of such collections made and disposition made thereof, the form and contents of said report to be prescribed by the State Highway Department. The failure, refusal or neglect of any County Tax Collector to comply with the provisions of this Section shall constitute misconduct in office and shall be ground for his removal therefrom. None of the monies so placed to the credit of the Road and Bridge Fund of a county shall be used to pay the salary or compensation of any County Judge or County Commissioners, but all said monies shall be used for the construction and maintenance of lateral roads in such county under the supervision of the County Engineer, if there be one, and if there is no such engineer, then the County Commissioners' Court shall have authority to command the services of the Division Engineer of the State Highway Department for the purpose of supervising the construction and surveying of lateral roads in their respective counties.

Fifty (50) per cent, or so much thereof as shall be necessary, of all funds allocated to the counties by the provisions of this Act, may be used by the counties in the payment of obligations, if any, issued and incurred in the construction or the improvement of all roads, including State Highways of such counties and districts therein; and fifty (50) per cent of such funds may be used in the construction and the improvement of the roads comprising the County Road System; provided, that when such obligations have been retired, all funds allocated to the counties may be used in the construction or improvement of the roads comprising the County Road System; and provided further, that in all counties in which there are no obligations incurred and issued in the construction or improvement of roads in counties or districts therein, all funds allocated to such counties may be used by the counties in the construction or improvement of the roads comprising the County Road System. And provided further, that all funds allocated to counties con-

taining one hundred and fifty thousand inhabitants or over according to the 1920 Census may be used by such counties in the payment of the obligations, if any, incurred and issued in the construction or improvement of all roads, including State Highways; and/or may be used in the construction or improvement of the roads comprising the County Road System.

Sec. 11. As compensation for his services under the provisions of this and other laws relating to the registration of vehicles and chauffeurs and the transfer of vehicles, each County Tax Collector shall receive a uniform fee of 50c for each of the first 1000 receipts issued by him each year pursuant to said laws; he shall receive a uniform fee of 40c for each of the next 9000 receipts so issued a uniform fee of 30c for each of the next 15,000 receipts so issued and a uniform fee of 20c for each of the balance of said receipts so issued during the year. Said compensation shall be deducted weekly by each County Tax Collector from the gross collections made pursuant to this Act and other laws relating to the registration of vehicles and chauffeurs and the transfer of vehicles. Out of the compensation so allowed County Tax Collectors, it is hereby expressly provided and required that they shall pay the entire expense of issuing all license receipts and number plates and chauffeurs badges issued pursuant hereto, including the cost of labor performed in issuing said receipts, number plates and badges and the cost of postage used in mailing same to applicants. Provided, however, that the fees herein allowed the County Tax Collector after paying all necessary expenses shall be accounted for as fees of office and compensation he receives therefrom shall be governed accordingly.

Sec. 12. The Department shall issue, or cause to be issued, to the owner of each vehicle registered under the provisions of this Act, a license receipt which shall indicate the date of its issuance, the license number assigned the registered vehicle, the name and address of the owner and such other information or statement of facts as may be determined by the Department. Said li-

cense receipt shall at all times be in possession of the operator of the vehicle for which it is issued and shall be subject to inspection by any peace officer or License and Weight Inspector of the State Highway Department. The failure or refusal of the operator of any vehicle to display for inspection said receipt to any peace officer or License and Weight Inspector requesting it for inspection shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding Two Hundred Dollars.

Sec. 12a. The owner of a vehicle, the license receipt for which has been lost or destroyed, may obtain a duplicate thereof, by filing with the State Highway Department or the county collector who issued the original receipt an affidavit that it has been lost or destroyed and by paying a fee of 25c for said duplicate.

Sec. 13. The Department shall issue or cause to be issued, one license number plate for each motorcycle, road tractor, trailer or semi-trailer, and two license number plates for every other vehicle registered under this Act. In case one number plate is assigned to a vehicle, it shall be attached thereto at the rear thereof; and in case two are assigned, one shall be attached at the front and one at the rear. Said plates shall be kept clearly visible and securely attached during the year for which they are issued. License number plates issued for vehicles required to be registered under the provisions of this Act shall not be attached thereto before the beginning of the calendar year for which they are issued.

Sec. 14. (a) Any person who operates a passenger car or a commercial motor vehicle or truck tractor upon the public highways of this State during the month of January of any calendar year, without having displayed thereon and attached thereto two license number plates, one plate at the front and one at the rear, which have been duly and lawfully assigned for said vehicle for the current or next preceding calendar year, shall be guilty of a misdemeanor.

(b) Any person who so operates a passenger car, or commercial motor vehicle or truck tractor during the period from February first to Decem-

be thirty-first, inclusive, of any calendar year, without two such license plates for the current year so displayed and attached shall be guilty of a misdemeanor.

(c) Any person who operates a road tractor, motorcycle, trailer or semi-trailer upon the public highways of this State during the month of January of any calendar year, without having attached thereto and displayed at the rear thereof, a license number plate duly and lawfully assigned therefor for the current year or next preceding calendar year shall be guilty of a misdemeanor.

(d) Any person who operates a road tractor, motorcycle, trailer or semi-trailer during the period February first to December thirty-first, inclusive, of any calendar year, without having so displayed and attached a number plate duly and lawfully assigned therefor for the current calendar year shall be guilty of a misdemeanor.

Any person convicted of a misdemeanor for a violation of this Section shall be fined in any sum not exceeding Two Hundred Dollars.

Sec. 15. Any person violating any provision of this Act for the violation of which no other penalty is prescribed, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not exceeding One Hundred Dollars.

Sec. 16. If any part of this Act shall be declared unconstitutional, such declaration shall not affect the validity of the remainder of the Act. And, provided further, that if the method of distributing between the State and the counties the funds collected under this Act shall be declared invalid because of unequal quality of collection or distribution of motor vehicle license fees, then said funds shall be distributed 60 per cent to the counties making the collections and 40 per cent be remitted to the State in the same manner as herein provided.

Sec. 17. Articles 6675, 6676, 6677, 6678, 6679, 6680, 6681, 6682, 6683, and 6692 of Chapter 1, Title 116, Revised Civil Statutes 1925, and Article 6688 as amended by Chapter 211 of the General and Special Laws of the Regular Session of the Fortieth Legislature; and Articles 6691 and 6697 of Chapter 1, Title 116, Revised Statutes 1925, as

amended by Chapter 162, General and Special Laws of the Regular Session of the Fortieth Legislature; and Articles 807, 808, 809, 810, 811, 818, 819, and Article 825 of Chapter 1, of Title 13 of the Penal Code of Texas, 1925; and all other laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 18. This Act shall take effect and be in force from and after January 1, A. D. 1930.

Sec. 19. The importance of the provisions of this Act, and the necessity for its early enactment, and the crowded condition of the Legislature calendar create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each House and said rule is hereby suspended, and it is so enacted.

C. S. H. B. No. 495.

A BILL

To Be Entitled

An Act relating to the registration of motor vehicles, trailers, and semi-trailers; prescribing the license fees required for their registration; providing for the apportionment of license fees collected pursuant hereto; prescribing the compensation and duties of the County Tax Collectors in connection with the administration of this Act; making other provision incidental to the purposes of this Act; providing for the enforcement of the provisions of this Act; fixing the date this Act shall take effect; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Definition of Terms. The following words and terms, as used herein, have the meanings respectively ascribed to them in this section as follows:

(a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon the public highways, except device moved only by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle" means every vehicle, as herein defined, that is self-propelled.

(c) "Motorcycle" means every motor vehicle designed to propel it-

self on not more than three wheels in contact with the ground.

(d) "Truck Tractor" means every motor vehicle designed or used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(e) "Farm Tractor" means every motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry.

(f) "Road Tractor" means every motor vehicle designed or used for drawing other vehicles or loads, and not so constructed as to carry a load independently or any part of the weight of the drawn load or vehicle.

(g) "Trailer" means every vehicle designed or used to carry its load wholly on its own structure and to be drawn by a motor vehicle.

(h) "Semi-trailer" means every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle.

(i) "Commercial Motor Vehicle" means any motor vehicle other than a motorcycle designed or used for the transportation of property.

(j) "Passenger Car" means any motor vehicle other than a motorcycle designed or used primarily for the transportation of persons.

(k) "Department" means the State Highway Department or its duly authorized officers or agents.

(l) "Owner" means any person who holds the legal title of a vehicle or who has the legal right of possession thereof, or the legal right of control of said vehicle.

Sec. 2. Every owner of a motor vehicle, trailer, or semi-trailer shall apply each year to the State Highway Department through the County Tax Collector or the county in which he resides for the registration thereof for the ensuing or current calendar year or the unexpired portion thereof; provided however, that owners of farm tractors and implements of husbandry operated or moved temporarily upon the highways shall not be required to register such tractors or implements.

Sec. 3. Application for the registration of a new vehicle required to

be registered hereunder shall be made on a form furnished by the Department; and each such application shall be signed by the owner of the vehicle and shall give his name and address in full, and shall contain a brief description of the vehicle to be registered. Said description in case of a new motor vehicle, shall include: The trade name of the vehicle; the year model; the style type of body and the weight if a passenger car, or the net carrying capacity and gross weights if a commercial motor vehicle; the motor number; whether new or used, and if new, the date of sale by manufacturer or dealer to the applicant. The application shall contain such other information as may be required by the Department. It is expressly provided, however, that the owner of a vehicle previously registered in this State may, in lieu of filing an application as hereinbefore directed, present the license receipt, and transfer receipts if any, issued for the registration or transfer of the vehicle for the preceding calendar year, and said receipt shall be accepted by the County Tax Collector as an application for the renewal of the registration of the vehicle, provided said receipts indicate that the applicant is the rightful owner thereof. Owners of motor vehicles, trailers and semi-trailers which are the property of, and used exclusively in the service of the United States Government, The State of Texas, or any county or city thereof, shall apply annually to register all such vehicles, but shall not be required to pay the registration fees herein prescribed.

Application shall be made for the registration of a new vehicle for the unexpired portion of the year in which it is acquired before it is operated on the public highways; except that a new vehicle may be operated temporarily by a dealer under a dealer's license number or by its purchaser under a special dealer's cardboard number as provided in Chapter 211, General and Special Laws of the Regular Session of the Fortieth Legislature. Application for the renewal of registration of a vehicle for any calendar year shall be made not later than February first of that year and not earlier than December first of the next preceding calendar year, and during the

month of January of any year, it shall be lawful to operate a vehicle under the license and license plates issued therefor for the preceding year.

Sec. 3A. The payment of the license fee prescribed herein for any vehicle shall become delinquent immediately upon the use of said vehicle on any public highway without said fee having been paid in accordance with this Act. In the event the payment of any such fee has become delinquent on any such vehicle, no license or license number plates shall be issued therefor by any County Tax Collector unless the owner of said vehicle pay an additional charge equal to twenty (20) per cent of the total amount of said prescribed fee.

Weights in Lbs.

Weights in Lbs.	Fee per 100 Lbs. or fraction thereof
1 to 2000	\$.44
2001 to 3500 .....	.56
3501 to 4500 .....	.64
4501 and up .....	.80

The weight of any passenger car, for purposes of registration shall be the weight generally accepted as its correct shipping weight plus 100 pounds.

Gross Weight in Pounds

Gross Weight in Pounds	Fee per 100 pounds or fraction thereof		
	Equipped with Pneumatic tires	Equipped with solid rubber tires	Equipped with metal tires
Class 1— 1 to 6000	\$ 30	\$.40	\$.80
Class 2— 6001 to 10,000 .....	.40	.50	1.00
Class 3—10,001 to 14,000 .....	.60	.80	1.60
Class 4—14,001 to 20,000 .....	.80	1.00	2.00
Class 5—20,001 to 26,000	1.00	1.20	3.00
Class 6—26,001 and up	4.00	5.00	6.00

The term "gross weight" as used in this section shall mean the actual weight of the vehicle fully equipped with body and other equipment, as certified by any official public weigher or any license and weight inspector of the State Highway Department, plus its net carrying capacity. "Net carrying capacity" as used in this Section shall be the weight of the heaviest net load to be carried on the vehicle registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated net carrying capacity.

Sec. 6A. The provisions in Section 6 of this Act shall not affect

Sec. 4. Each application filed hereunder during the first quarter of a calendar year shall be accompanied by the full amount of the annual license fee herein prescribed. Application filed hereunder during the second, third, and fourth quarter of the calendar year shall be accompanied, respectively, by three-fourths, one-half, and one-fourth of the amount of the annual license fees.

Sec. 5. The annual license fee for the registration of a motorcycle shall be five dollars.

The annual license fee for the registration of a passenger car shall be based upon the weight of the vehicle as follows:

Sec. 6. The Annual license fee for the registration of a commercial motor vehicle, trailer or semi-trailer shall be based upon the gross weight and tire equipment of the vehicle as follows:

trailers and semi-trailers used exclusively in hauling cotton in port cities and operating only between the warehouse and shipside, but such trailers and semi-trailers, because of their use over private property are exempt from the payment of any license fee except the sum of three (\$3.00) Dollars for each such trailer or semi-trailer.

Sec. 7. The annual license fee for the registration of a truck tractor or a road tractor shall be based upon the weight of the tractor, as certified by any official public weigher or any license and weight inspector of the State Highway Department, as follows:

Weight in Pounds	Fee per 100 Pounds		
	Equipped with Pneumatic tires	Equipped with solid rubber tires	Equipped with metal tires
1- 4000 -----	\$.30	\$.40	\$.60
4001- 6000 -----	.40	.50	.80
6001- 8000 -----	.50	.60	1.00
8001-10,000 -----	.70	.80	1.60
10,001-16,000 -----	.80	1.00	2.00
16,001-20,000 -----	1.60	2.00	4.00

Sec. 8. The Department shall compile and furnish to the County Tax Collectors a complete and detailed schedule of license fees to be collected on the various makes, models and types of vehicles required to be registered hereunder; and the weight, net weight, or gross weight of any vehicle required to be registered, as determined by the Department, shall be accepted as correct for registration purposes to the exclusion of any and all other purported weights of said vehicle.

Sec. 9. Apportionment of Funds. On Monday of each week each County Tax Collector shall deposit in the county depository of his county to the credit of the county road and bridge fund the entire amount of net collections made hereunder during the preceding week until the amount so deposited for the current calendar year shall have reached a total sum of \$15,000.00.

Thereafter, and until the amount so deposited for the year shall have reached a total of \$150,000.00 he shall deposit to the credit of said fund on Monday of each week an amount equal to 50 per cent of net collections made hereunder during the preceding week.

Thereafter, he shall make no further deposits to the credit of said fund during that calendar year. All collections made during any week under the provisions of this Act in excess of the amounts required to be deposited to the credit of the road and bridge fund of his county shall be remitted by each county tax collector on each Monday of the succeeding week to the State Highway Department, together with a carbon copy of each license receipt issued hereunder during the preceding week. He shall also on Monday of each week remit to the Department as now provided by law, all transfer fees and chauffers' license fees collected by him during the preceding week, together with carbon copy of

all receipts issued for said fees during the week. He shall also accompany all remittances to the Highway Department with a complete report of such collections made and disposition made thereof, the form and contents of said report to be prescribed by the State Highway Department. The failure, refusal or neglect of any county tax collector to comply with the provisions of this Section shall constitute misconduct in office and shall be ground for his removal therefrom. None of the monies so placed to the credit of the road and bridge fund of a county shall be used to pay the salary, compensation or any expense account of a county judge or county commissioner, but all said moneys shall be used for the construction and maintenance of lateral roads in such counties under the supervision of the county engineer, if there be one, and if there is no such engineer, then the county commissioners' court shall be authorized to command the services of the division engineer of the State Highway Department for the purpose of supervising the construction and surveying of lateral roads in their respective counties; it being further provided that the commissioners' court shall at their first meeting in January of each year prepare a budget for the expenditure of such sums in the improvement, construction or maintenance of lateral roads other than State highways, a copy of which budget shall be filed with the State Highway Engineer and shall show the road or roads to be constructed, maintained and improved out of said fund, and the amount to be expended on each road.

Sec. 10. All funds required by this Act to be remitted to the State Highway Department which are not so remitted within thirty days after being collected shall thereafter bear interest for the benefit of the State Highway fund at the rate of 10 per

cent per annum, which interest shall be charged to each county tax collector failing or refusing to remit said funds within said period of 30 days. The exact amount of said interest charge shall be determined by the State Highway Department by a careful audit of the collections received and disbursed by said tax collector pursuant to the laws relating to the registration and transfer of vehicles; and the State of Texas shall have a valid claim against the county tax collector and his official bondsmen for the amount of such interest as determined by said audit. It is hereby expressly provided that no county tax collector shall maintain more than one office at which vehicles may be registered under the provisions of this Act; except that in counties in which there is located a city other than the city or town in which the court house is located having a population of 10,000 or more, the county tax collector of any such county may maintain one branch office for such purposes in said city.

Sec. 11. As compensation for his service under the provisions of this and other laws relating to the registration of vehicles and chauffers and the transfer of vehicles, each county tax collector shall receive a uniform fee of 50c for each of the first 1,000 receipts issued by him each year pursuant to said laws; he shall receive a uniform fee of 40c for each of the next 9,000 receipts so issued; a uniform fee of 30c for each of the next 15,000 receipts so issued; and a uniform fee of 20c for each of the balance of said receipts so issued, during the year. Said compensation shall be deducted weekly by each county tax collector from the gross collections made pursuant to this Act and other laws relating to the registration of vehicles and chauffers and the transfer of vehicles. Out of the compensation so allowed county tax collectors, it is hereby expressly provided and required that they shall pay the entire expense of issuing all license receipts and number plates and chauffers' badges issued pursuant thereto, including the cost of labor performed in issuing said receipts, number plates and badges and the cost of postage used in mailing same to the applicants.

Sec. 12. The department shall

issue, or cause to be issued, to the owner of each vehicle registered under the provisions of this Act, a license receipt which shall indicate the date of its issuance, the license number assigned the registered vehicle, the name and address of the owner and such other information or statement of fact as may be determined by the Department. Said license receipt shall at all times be in possession of the operator of the vehicle for which it is issued and shall be subject to inspection by any peace officer or license and weight inspector of the State Highway Department. The failure or refusal of the operator of any vehicle to display for inspection said receipt to any peace officer or license and weight inspector requesting it for inspection shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding two hundred dollars.

Sec. 12A. The owner of a vehicle, the license receipt for which has been lost or destroyed, may obtain a duplicate thereof, by filing with the State Highway Department or the county collector who issued the original receipt an affidavit that it has been lost or destroyed and by paying a fee of 25c for said duplicate.

Sec. 13. The department shall issue or cause to be issued, one number plate for each motorcycle, road tractor, trailer or semi-trailer, and two license number plates for every other vehicle registered under this Act. In case one number plate is assigned to a vehicle, it shall be attached thereto at the rear thereof; and in case two are issued, one shall be attached at the front and one at the rear. Said plates shall be kept clearly visible and securely attached during the year for which they are issued. License number plates issued for vehicles required to be registered under the provisions of this Act shall not be attached thereto before the beginning of the calendar year for which they are issued.

Sec. 14. (a) Any person who operates a passenger car or a commercial motor vehicle or truck tractor upon the public highways of this State during the month of January of any calendar year, without having displayed thereon and attached thereto two license number plates, one plate at the front and

one at the rear, which have been duly and lawfully assigned for said vehicle for the current or next preceding calendar year, shall be guilty of a misdemeanor.

(b) Any person who so operates passenger car, or commercial motor vehicle or truck tractor during the period from February first to December thirty-first, inclusive, of any calendar year, without two such license plates for the current year so displayed and attached shall be guilty of a misdemeanor.

(c) Any person who operates a road tractor, motorcycle, trailer or semi-trailer upon the public highways of this State during the month of January of any calendar year, without having attached thereto and displayed at the rear thereof, a license number plate duly and lawfully assigned therefor for the current year or next preceding calendar year shall be guilty of a misdemeanor.

(d) Any person who operates a road tractor, motorcycle, trailer or semi-trailer during the period February first to December thirty-first, inclusive, of any calendar year, without having so displayed and attached a number plate duly and lawfully assigned therefor for the current calendar year shall be guilty of a misdemeanor.

Any person convicted of a misdemeanor for a violation of this section shall be fined in any sum not exceeding two hundred dollars.

Sec. 15. Any person violating any provision of this Act for the violation of which no other penalty is prescribed shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not exceeding one hundred dollars.

Sec. 16. If any part of this Act shall be declared unconstitutional, such declaration shall not affect the validity of the remainder of the Act.

Sec. 17. Articles 6675, 6676, 6677, 6678, 6679, 6680, 6681, 6682, 6683, 6692, and 6697 of Chapter 1, Title 116, Revised Civil Statutes 1925, and Article 6688 as amended by Chapter 211 of the General and Special Laws of the Regular Session of the Fortieth Legislature; and Article 6691 of Chapter 1, Title 116, Revised Statutes 1925, as amended by Chapter 162, General and Special Laws of the Regular Session of the

40th Legislature; and Article 807, 808, 809, 810, 811, 819, and 825, of Chapter 1, of Title 13 of the Penal Code of Texas, 1925; and all other laws and parts of laws in conflict with this act are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after January 1st, A. D. 1930.

Sec. 19. The importance of the provisions of this Act, and the necessity for its early enactment, and the crowded condition of the Legislature Calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each House and said rule is hereby suspended.

FORTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
Thursday, March 7, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)